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THE

LAW OF TOWNSHIPS

AND THE RIGHTS AND DUTIES OF

TOWNSHIP OFFICERS

IN

PENNSYLVANIA

BY

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TO

PROF. SYLVESTER B. SADLER, A. M., LL. B.,

A LEARNED LAWYER, AN ACUTE THINKER AND MY VERY DEAR FRIEND, I RESPECTFULLY DEDICATE THIS VOLUME.

PREFACE.

This book attempts, for the first time, possibly, to collate the law with respect to townships in Pennsylvania. It treats of the classification of townships by the Acts of April 28th, 1899, and of May 11th, 1901, and of the legislation pertaining to each class; of supervisors, their duties with respect to roads and bridges, and their contractual power; of the formation and division of townships, school districts and election districts; of the liabilty of townships upon contracts and for torts, and of various other topics. The inclusion of a list of the local acts affecting townships has also seemed advisable.

WM. TRICKETT.

Carlisle, December, 1904.

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THE LAW OF TOWNSHIPS
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ERECTION OF TOWNSHIPS.

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Legislative Establishment.

1. Townships are directly or indirectly the creatures of the law-making power. Many of them have been immediately created by Act of Assembly both before and since the passage of the Act of April 15, 1834,[1] which, with the supplementary legislation, gave to the courts of quarter sessions jurisdiction of proceedings for the creation of new townships. Local legislation authorizing such establishment was not prohibited until the adoption of the Constitution of 1874.[2] By section 7 of article 3,[3] the General Assembly was forbidden to pass "any local or special law authorizing the creation, extension or impairing of liens, regulating the affairs of counties, cities, townships, wards, boroughs or school districts" . . . . "erect-

1 Act April 15, 1834, P. L. 537, P. & L. Dig. 1014.
2 Wolf's Appeal, 58 Pa. 471.
3 1 P. & L. Dig. 55.

ing new townships or boroughs, changing township lines, borough limits or school districts" . . . . "but laws repealing local or special acts may be passed." A special act should describe the boundaries and location of the new township, but where it is described by reference to certain rivers, creeks and farms without naming the county in which it is located, the locality may be ascertained by parol evidence, and the township is lawfully created.[4]

Judicial Establishment.

2. By the Act of April 15, 1834,[5] it was provided that "the several courts of quarter sessions shall have authority within their respective counties to erect new townships, to divide any township already erected, and to alter the lines of any two or more adjoining townships, so as to suit the convenience of the inhabitants thereof." The method of instituting proceedings is provided by section 14. "Upon application by petition to a court of quarter sessions for the purpose of erecting a new township or altering the lines of any township, or of ascertaining and establishing the lines or boundaries of any township the said court shall appoint three impartial men, if necessary, to inquire into the propriety of granting the prayer of the petition, and it shall be the duty of the commissioners so appointed, or any two of them, to make a plot or draft of the township proposed to be divided, and the division line proposed to be made therein, or of the township to be laid off, or of the lines proposed to be altered of two or more adjoining townships, or of the lines proposed to be ascertained and established, as the case may be, if the same cannot be fully designated by natural lines or boundaries, all of which they, or any two of them, shall report to the next court of quarter sessions together with their opinion of the same, and at the term after that at which the report shall be made, the court shall make

4 Com. *vs.* Fullerton, 12 Pa. 266.

5 Act April 15, 1834, P. L. 537, Sec. 13, 1 P. & L. Dig. 1014.

such order thereupon as to them shall appear just and reasonable." This legislation gives jurisdiction to appoint commissioners; first, where a new township is to be erected; second, where the request is to divide a township already existing; third, to alter the lines of adjoining townships.[6] Its provisions are to be complied with in the case of townships of the first class as well as those of the second class.[7]

The Petition.

3. An application to divide a township should set forth the proposed line, but this need not be by courses and distances, if the termini be given.[8] And the proceedings are not affected by the fixing of a point of division in the petition, when the court directed the commissioners to inquire as to the propriety of such action, but failed to suggest that another line might be adopted.[9] The petition should set forth that the township is within the county in which the application is made, so that jurisdiction may appear, but an appointment of commissioners by the court is an adjudication of the fact.[10] It is proper to ask that the old township be divided into two or any greater number of new townships.[11]

No notice of the intended application need be given.[12] Nor need the petition be sworn to.[13]

The Commissioners.

4. The Act of 1834[14] directs the appointment by the court of three impartial men, when such shall be deemed necessary. Similar principles apply in the selection of the commissioners,

6 Division Line of Clay Township, 33 Pa. 366.
7 Stowe Twp. Division, 23 Pa. Sup. 285.
8 *In re* Division of Upper Salford Township, 8 Montg. 31.
9 Case of Maccungie Township, 3 Rawle 459.
10 *In re* Boundary Line Dallas Borough, 10 Kulp 64.
11 Greenwood Township, 3 Gr. 261.
12 *In re* Boundary Line Dallas Borough, 10 Kulp 64.
13 *In re* Boundary Line Dallas Borough, 10 Kulp 64.
14 Act April 15 P. L. 537, Sec. 14, 1 P. & L. Dig. 1014.

or in the objection to them, as in the case of road viewers. One interested in the termination of the proceeding, such as a petitioner, or his son, should not be named.[14*] Nor are commissioners impartial, who have reported a line other than that prayed for, whereupon a new petition is presented to divide according to the new line, and the same men are appointed by the court.[15]

A well founded objection to the incompetency of any commissioner, made prior to the view, will be sustained.[16] But it cannot be raised subsequent to the return.[17] Depositions in support of such an exception do not form part of the record, and are not brought before the appellate court by a *certiorari*.[18]

The Order.

5. The duty of the court is to direct the commissioners to inquire into the propriety of granting the prayer of the petition. There must be an explicit direction to them in accordance with the express terms of the Act of 1834.[19] A direction to divide "if they see cause" is not such an explicit direction as will satisfy the requirements of the statute.[20] A failure so to do is a fatal defect,[21] and is not cured by a finding in the return that the division is advisable.[22]

But an omission of the clerk to direct an inquiry as to the propriety of the division in his order to the commissioners will not be considered on review by the appellate court, since it

14* Warrington Township, 5 York 64.

15 Case of Green Township, 9 W. & S. 22.

16 Warrington Township, 5 York 64.

17 Catharine and Frankstown Township, 31 Pa. 303.

18 Catharine and Frankstown Township, 31 Pa. 303.

19 *In re* Division of Plum Township, 83 Pa. 73. Bethel Township, 1 Pa. 97. *In re* Conneaut Township, 1 Pitts. 470.

20 Harrison Township, 5 Pa. 447.

21 Macungie Township, 14 S. & R. 67.

22 *In re* Division of Plum Township, 83 Pa. 73; Harrison Township, 5 Pa. 447; Bethel Township, 1 Pa. 97.

could have been corrected by the court below without prejudice, had the defect been called to the court's attention.[23]

A certified copy of the order should be given the commissioners, and not the original papers.[24]

The View.

6. Notice of the time and place of holding the view should be given to the inhabitants affected in such manner as may be prescribed by rule of court.[25] This is true if the application be for the division of the township,[26] for the altering of the line of the township,[27] or to fix the lines between a borough and a township.[28] And notice will not be presumed where the report is silent.[29]. If the manner of notice be fixed by order of court, it must be strictly complied with. Thus a direction to give notice in an English and a German newspaper for three weeks, is not complied with by three successive insertions made within less than three weeks before the meeting.[30]

A description of the courses in the hand bills as set forth in the petition is sufficient.[31] And it need not appear in the return at what places the handbills were posted.[32]

The ground itself should be viewed by the commissioners, but if the report be silent as to their action in this regard, it will be presumed that such was done from the fact that a draft is returned and a favorable opinion given as to the propriety of the division.[33] This proceeding was based upon the earlier Act of

23 Penn Township, 8 Pa. 23.
24 *In re* Division of Plum Township, 83 Pa. 73.
25 Bethel Township, 1 Pa. 97.
26 Bethel Township, 1 Pa. 97.
27 Norwegian Township, 20 Pa. 324.
28 *In re* Boundary Line of Dallas Borough, 10 Kulp 64.
29 Norwegian Township, 20 Pa. 324. See *In re* Sewickley Township, 33 Pa. 297.
30 *In re* Division of North Whitehall Township, 47 Pa. 156.
31 *In re* Boundary Line of Dallas Borough, 10 Kulp 64.
32 *Ibid.*
33 Stowe Township Division, 23 Pa. Sup. 285; Wyalusing Township, 2 S. & R. 402.

1803. In proceedings to alter lines, a general view of the country sufficient to enable the commissioners to form an intelligent opinion, is all that is required.[34] All should be present whenever they meet in the performance of their duties.[35] But the court will presume that such was the case, though but two join in the report.[36] An opportunity should be given to the inhabitants to present their views as to the propriety of the division.[37]

The Return.

7. The commissioners must report at the next court of quarter sessions.[38] Their return may be lodged, however, with the clerk before the return day without vitiating the proceedings.[39]

Such return must express the opinion of at least two of the commissioners as to the propriety of granting the application,[40] And the opinion must be explicit. This requirement is not complied with by saying that it "ought to be erected into a separate township." [41] Or that it will be a convenience to eight inhabitants, instead of a convenience to the inhabitants of the township.[42] But the appellate court will not reverse for this reason where no objection was made in the court below, the commissioners having reported in favor of an alteration.[43] In a similar proceeding for the annexation to a school district, it was held that a return showing that a view had been held, and that the commissioners were of the opinion that the lands

34 Exeter and Northmoreland Township Line, 8 Pa. C. C. 524, s. c. 7 Lanc. L. R. 293.

35 *In re* Washington and Warrington Twp., 1 York 180.

36 *In re* Windsor Township, 9 Watts 248.

37 Stowe Township Division, 23 Pa. Sup. 285.

38 Act April 15, 1834, P. L. 537, Sec. 14 1 P. & L. Dig. 1014.

39 *In re* Division of Upper Salford Township, 8 Montg. 31.

40 Plymouth Township, 5 Kulp 211; *In re* Macungie Township, 14 S. & R. 67.

41 Limestone Township, 11 Pa. 270.

42 Rockdale and Richmond Townships Line, 23 Pa. C. C. 170.

43 Norwegian Township, 20 Pa. 324.

should be annexed, was sufficient though no distinct averment was made that an inquiry was held into the propriety of so doing.[44]

The commissioners may adopt the line set forth in the petition.[45] It has been held that they need not do so, for they have an act of judgment to perform, and may make such division as they deem best for the interest of the inhabitants.[46] But in *In re* Green township,[47] where the court was asked to divide as prayed for in the petition, it was held that a different line could not be selected by the commissioners. And this ruling has been subsequently approved.[48] If one terminus is clearly fixed, and the other may be determined by the courses and distances appearing by the report, and draft accompanying, it will be sufficient.[49] A direction to take the most direct route does not mean the shortest line between two points.[50]

The Map.

8. The Act of 1834 directs that the commissioners or any two of them, shall make a plot or draft of the township proposed to be divided, and the division line proposed to be made therein, or of the township proposed to be laid off, or of the lines to be altered of two or more adjoining townships, or of the lines proposed to be ascertained or established, as the case may be, if the same cannot be fully designated by natural lines or boundaries.[51]

Where it is intended to erect a new township out of those existing the report of the commissioners must be accompanied by a draft showing the new township, as well as the lines of the

44 Annexation to Elk Twp. School District, 146 Pa. 1.
45 *In re* Maccungie Township, 3 Rawle 459.
46 Paradise Township, 4 Leg. Gaz. 382.
47 *In re* Green Township 9 W. & S. 22.
48 Stowe Township Division, 23 Pa. Sup. 285.
49 *In re* Division of Upper Salford Township, 8 Montg. Co. 31.
50 *In re* Paradise Twp., 4 Leg. Gaz. 382.
51 Act April 15, 1834, P. L. 537, Sec. 14. 1 P. & L. Dig. 1014.

townships from which it is taken, as changed.[52] If, however, a mere division of an existing township is made, it is sufficient to give the lines of the old township, with the new division line.[53]

Where the report favors the alteration of boundaries the map should designate the alterations of the lines of the existing townships.[54] A draft of the whole township need not appear in such case.[55]

The plot is filed with the report and becomes a part of it and of the record.[56] Courses and distances marked thereon are not indispensable. Natural boundaries may supply their place.[57] In case all of the lines can be described by natural boundaries, no map is required.[58] A plot adopted by former viewers, whose report has been set aside because of irregularities, may be referred to and adopted by subsequent viewers.[59] Though the termini should be fixed, yet if one terminus be clearly designated, and the second can be determined by the courses and distances given, it will be sufficient.[60]

Exceptions.

9. Inhabitants who oppose the action recommended by the commissioners may except to the return as filed, and it has been held proper to file additional exceptions pending the disposition of those already filed.[61] Defects, not called to the at-

52 Harrison Township, 5 Pa. 447; Wyalusing Twp., 2 S. & R. 402, Under the Act of 1803.

53 Harrison Twp., 5 Pa. 447; *In re* Conneaut Township, 1 Pitts. 470; *In re* Henderson and West Townships, 2 Watts 269—under Act of 1803, distinguishing Wyalusing Township, 2 S. & R. 402.

54 Wetmore Township, 68 Pa. 340.

55 *In re* Catharine and Frankstown Township, 31 Pa. 303.

56 Wetmore Township, 68 Pa. 340.

57 *In re* Conneaut Twp., 1 Pitts. 470.

58 Wetmore Township, 68 Pa. 340.

59 *In re* Harrison Township, 5 Pa. 447.

60 *In re* Upper Salford Township, 8 Montg. 31.

61 Rockdale and Richmond Townships Line, 23 Pa. C. C. 170.

tention of the court below, will not be considered by the appellate court, except the want of jurisdiction, which may be taken advantage of at any time.[62] If the court determines the objections to be well taken, it has power to recommit the report to the same commissioners or set it aside and appoint a new view.[63]

But there is no authorization by the Act of 1834 for the appointment of commissioners to run, review and locate a line fixed by commissioners, because the location is not what the petitioners desired. And though the report of the reviewers be absolutely confirmed, the whole proceeding is void.[64] If no exceptions be filed, or if such as have been are overruled, the court may confirm the return of the commissioners absolutely. In so doing, however, it has no power to alter the lines as fixed in the return filed.[65]

Review.

10. By supplementary legislation provision was made for a review after confirmation. "In all cases of proceedings under the 14th section of the act to which this is a supplement.[66] for any of the purposes therein mentioned, the respective court shall direct a second commission or review, for the same purposes, on a petition of a majority of the voters of the township or townships affected by said proceedings; provided that such petition shall be presented to the court at or before the second term thereof, after the final confirmation of the report or the first commission or review.[67]

Discussing this legislation, Lowrie, C. J., says: "It is so con-

62 Stowe Twp. Division, 23 Pa. Sup. 285.

63 Wetmore Township, 68 Pa. 340.

64 Plunkett's Creek Twp., 148 Pa. 299.

65 Wetmore Twp., 68 Pa. 340; following Green Twp., 9 W. & S. 22 and overruling Warwick Twp., 18 Pa. 372; See also Stowe Twp. Division, 23 Pa. Sup. 285; *In re* Conneaut Twp., 1 Pitts. 470.

66 That of April 15, 1834, 1 P. & L. Dig. 1014.

67 Act April 26, 1854, P. L. 489, Sec. 1, 1 P. & L. Dig. 1016.

trary to the ordinary course of all regular judicial business, that reviewers should be appointed two terms after the proceedings for the division of a township have been legally confirmed, and perhaps after the township has been fully organized, it is impossible to avoid thinking that the Act 26th April, 1854, P. L. 489, was slipped through the forms of legislation without being noticed. Its very strangeness would require that is should be narrowly watched in practice." [68]

On review the commissioners are not confined to the approval or rejection of the line first laid out.[69]

68 *In re* Division of Juniata Township, 31 Pa. 301.

69 Exeter and Northmoreland Twp. Line, 8 Pa. C. C. 524, s. c. 7 Lanc. Law Rev. 293.

CHAPTER II.

ERECTION OF TOWNSHIPS.—CONTINUED.

SECTION
11. Election.
12. In case of division.
13. In erection of new township.
14. Division by new county line.
15. Ascertaining boundaries.
16. Adjusting river boundary.
17. Altering lines.

Election.

11. Prior to the Acts of 1857,[1] which did not apply to reports confirmed *nisi* prior to the date of their passage,[2] the power of revision of the acts of the commissioners, was vested in the court. In that year a vote of the people was substituted. This legislation is supplementary to that of 1834.[3] And the potency of the vote depends on compliance with the provisions of the act.[4] It is to be noticed that the Act of March 14, 1857,[5] is to be invoked where the question submitted is the division of a township, and that of April 15, 1857,[6] where it is proposed to erect a new township.[7] The order of the court referring the matter should specify which question is to be voted on, since the form of ballot required by the two acts is different.[8] But neither of these acts applies to a proceeding to alter the lines of two or more adjoining townships, and a

1 Acts of March 14, 1857, 1 P. L. 93, 1 P. & L. Dig. 1016, and April 15, 1857, P. L. 304, 1 P. & L. Dig. 1017.
2 *In re* Alba Township, 35 Pa. 271; *In re* Juniata Twp., 31 Pa. 301.
3 Greenwood Twp., 3 Gr. 261.
4 *In re* Conneaut Township, 1 Pitts. 470.
5 Act March 14, 1857, P. L. 93, 1 P. & L. Dig. 1016.
6 Act April 15, 1857, P. L. 304, 1 P. & L. Dig. 1017.
7 Ryon Twp., 1 Walker 137.
8 Ryon Twp. *supra.*

proceeding to annex a small portion of two adjoining townships to another, is one for the alteration of lines, though called one of annexation.[9]

Legislation such as here provided is not unconstitutional as delegating the law-making power. Nor prior to 1874 were special acts allowing a vote of the inhabitants to pass upon division or annexation.[10]

In Case of Division.

12. Section one of the Act of March 14, 1857,[11] makes it the duty of the court of quarter sessions, where a return is made favorable to a division, to order a vote of the qualified electors of the said township. The order may be made after exceptions to the report have been dismissed.[12] The court has no power to confirm the report absolutely without referring the matter to a popular vote.[13]

By the second section it is made the duty of the court to fix the day on which the election officers shall hold the election at the place fixed by law for holding township elections. Notice thereof is to be given by the constable, or, if none, by one of the supervisors, for at least fifteen days by posting not less than six written or printed handbills in the most public places in the said township.

The form of ballot is fixed by the third section, the direction being to print on the outside the word "division," and on the inside the words "for division" and "against division." The proper registry list to be used at an election for division in August is one made in the same year prior to the February election under the Act of May 29, 1891. The failure to use a

9 *In re* Clay etc. Twps., 33 Pa. 366.
10 Com. *vs.* Judges, 8 Pa. 391; Smith *vs.* McCarthy, 56 Pa. 359.
11 Act March 14, 1857, P. L. 93, 1 P. & L. Dig. 1016.
12 *In re* Upper Salford Twp., 8 Montg. 31.
13 *In re* North Whitehall Twp., 47 Pa. 156.

list or the use of a list prepared during the year before is ground for setting the election aside.[14]

A return of the election by the officers who have conducted it, is to be made to the clerk of the court of quarter sessions within five days. But this provision for return is merely directory, and a failure to do so within the time fixed will not invalidate the proceedings.[15] The clerk of the court shall lay the returns filed before the court at its next sessions, and if it shall appear that a majority of the votes so taken are "for a division" the said court shall thereupon order and decree a division of the said township, agreeably to the lines marked out and returned by the commissioners. But if a majority of votes have been "against a division" no further action shall be had upon said proceedings.[16] The result of the election is conclusive and the power of the court is taken away.[17] But the potency of a favorable vote depends on the compliance with all the requirements of the Act of 1834.[18]

In Erection of New Township.

13. In proceedings to erect a new township out of parts of two or more townships the court will order, after a favorable return by the commissioners "a vote of the qualified electors of the township from which the largest number of taxables to be embraced in the proposed new township is to be taken, and also of the qualified electors outside of such township, residing within the bounds of the proposed new township, to be taken on the question of the erection of a new township."[19] As in the case of a division of a township, notice is to be given by the constable, or by a supervisor or road commissioner, if there be no constable, of the time and place of holding the election, at

14 Plum Twp., Division of, 32 Pitts. L. J. 208.
15 *In re* Conneaut Twp., 1 Pitts. 470.
16 Act March 14, 1857, P. L. 93, Sec. 4, 1 P. & L. Dig. 1017.
17 Kugler's Appeal, 55 Pa. 123.
18 *In re* Conneaut Township, 1 Pitts. 470.
19 Act April 15, 1857, P. L. 304, Sec. 1, 1 P. & L. Dig. 1017.

least 15 days prior to the date fixed, by posting not less than six written or printed hand bills in the most public places in each of the townships which are to be divided by the formation of the new township. The election is to be conducted by the officers "of the township from which the largest number of taxables to be embraced in the proposed new township is to be taken." [20]

The ballots shall have written or printed upon the outside thereof the words, "new township," and on the inside the words "for a new township," or "against a new township." [21] A return of the election to the clerk of the court of quarter sessions is required within five days. At the next court this return shall be presented, and, if favorable, the new township shall be ordered agreeably to the lines marked out and returned. But if it be adverse, then no further proceedings shall be had upon said proceedings.[22]

Division by New County Line.

14. Provision has been made for the erection of new townships, where such as had before existed are divided into parts by the laying out of new counties. The court of quarter sessions is given jurisdiction upon petition "of at least twelve freeholders resident in the territory mentioned or described in said petition, to appoint three impartial men to inquire into the propriety of erecting the new township. The commissioners, or a majority of them, after being duly sworn to discharge their duties with fidelity, and after giving the same notice as is required in case of road views, are directed to view the townships mentioned in the petition, and if in their opinion, or in the opinion of a majority of them, a new township of convenient size and number of inhabitants can be erected, either by consolidating two or more of the parts of said townships

20 Act April 15, 1857, P. L. 304, Sec. 2, 1 P. & L. Dig. 1017.
21 Act April 15, 1857, P. L. 304, Sec. 3, 1 P. & L. Dig. 1017.
22 Act April 15, 1857, P. L. 304, Sec. 4, 1 P. & L. Dig. 1017.

remaining in the said county in which these proceedings may be instituted after the division of the same, or by annexing one or more of said remaining parts of townships to any adjoining township, or by uniting any one or more of said remaining parts of townships with any part of any township not cut by the new county line, but adjoining any one of the said several townships, they shall make a plot or draft of the territory, which in their opinion should be included in the new township, all of which they, or a majority of them, shall report to the next court of quarter sessions of said county, together with their opinion of the same." If the report be favorable, it is to be confirmed *nisi,* and a special election ordered to be participated in by the qualified voters residing within the territory to be erected into a new township according to the draft of the commissioners, at a time and place to be fixed by the court, not more than 60 days from the confirmation *nisi,* and at the most convenient place within said territory, for the purpose of voting upon the question. In case a majority of the votes favor the formation of the new township, the court, or the president judge thereof in vacation, shall order the same to be erected and established in accordance with the report of the commissioners, and shall name the same, and shall appoint such township officers as shall be necessary to conduct the affairs of said township until the next general election of township officers, which shall occur more than three months after the said order establishing said new township has been made.[23]

The election already noted is to be conducted by officers appointed for the purpose by the court, their compensation being fixed by it. Notice of the time and place fixed for holding the same shall be given for three successive weeks in at least two newspapers published in said county, and by at least five hand bills posted for at least ten days prior to said election in conspicuous places within the territory proposed to be embraced in

23 Act May 13, 1879, P. L. 52, Sec. 1, 1 P. & L. Dig. 1019.

the new township. A return of the election held is to be made forthwith to the clerk of the court of quarter sessions.[24]

"In case there shall be included in the draft returned by the commissioners any part of a township which has not been severed by the new county line, it shall be the duty of the commissioners to include in their report an estimate of the number of taxables and the number of square miles which would still remain in such township after the said part shall have been taken out, and to further certify to said court that in their opinion, or in the opinion of a majority of them, the said part can be taken from said township without serious injury to the remaining part of said township." [25]

Ascertaining Boundaries.

15. The Act of 1834 gave jurisdiction to the court of quarter sessions "to cause the lines or boundaries of townships to be ascertained and established." [26] Proceedings are to be instituted and carried on in the same manner as already noticed for the division and erection of townships, though no election follows the return of the commissioners. In such case it is the duty of the viewers to inquire respecting the old line and where defined to return it. They have no power to run an arbitrary straight line.[27] Reputation and hearsay evidence is admissible to determine the true boundary.[28] A return of commissioners appointed to "run, review and locate" a line, though confirmed, will not prevent the appointment of commissioners to ascertain the boundaries, since no authority for such a proceeding is given by the Act of 1834, or any other legislation.[29]

24 Act May 13, 1879, P. L. 52, Sec. 2, 1 P. & L. Dig. 1019.

25 Act May 13, 1879, P. L. 53, Sec. 3, 1 P. & L. Dig. 1019.

26 Act April 15, 1834, P. L. 537, Sec. 13, 1 P. & L. Dig. 1014.

27 *In re* Line Between Salisbury, etc., Twps., 4 Lanc. L. R. 269, where the line was moved one-half mile south. Recommitted.

28 *In re* Line Between Salisbury, etc., Twps., 4 Lanc. L. R. 269; Nieman *vs.* Ward, 1 W. & S. 68.

29 *In re* Plunkett's Creek Twp., 148 Pa. 299.

By the Act of June 3, 1893,[30] provision is made for the ascertaining of disputed boundaries between townships, boroughs and townships, and cities and townships. The court of quarter sessions upon application by petition is directed to "appoint three impartial men, one of whom shall be a competent surveyor, who, after having given notice as directed by court, shall view the said lines or boundaries, and it shall be the duty of the said commissioners so appointed, or any two of them, to make a draft or plot of the lines proposed to be ascertained or established if the same cannot be designated by natural lines or boundaries, all of which, they, or any two of them, shall report to the next court of quarter sessions together with their opinion of the same, and at the term after that at which the report shall be made the court shall make such order thereupon as to it shall appear just and reasonable: Provided, that upon petition a review may be ordered by said court, and Provided further, That an appeal may be taken from the decision of said commissioners of view or review, and the question of fact in dispute determined by a feigned issue to be framed by the court after the manner of framing feigned issues under existing laws to be certified to the court of common pleas of the proper county."

The appointment of viewers upon such a petition is an adjudication that the line is within the county over which the court has jurisdiction.[31] The petition need not be sworn to, nor is it necessary that notice of the intended application be given. Notice of the line to be viewed must be given, but it is sufficiently described in the hand bills if the language of the petition is used. The report of the commissioners need not set forth the places at which the hand bills were posted.[32]

The third section provides for the payment by the county of five dollars per day and mileage to the surveyor, and three

30 Act June 3, 1893, P. L. 284, 1 P. & L. Dig. 369.
31 *In re* Dallas Boundary Line, 10 Kulp 64.
32 *In re* Dallas Boundary Line, 10 Kulp 64.

dollars per day and mileage to the commissioners. No allowance is to be made for chainmen or axemen.[33]

When the line is finally established the court shall cause the same to be marked with stone monuments, to be placed at intervals not exceeding fifteen hundred feet from each other, the expense thereof to be reasonable, and to be first approved by the court and to be borne equally by the municipalities interested, and the court shall compel the payment of the same according to law.[34]

Adjusting River Boundary.

16. The Act of May 24, 1887,[35] provides that whenever any township, borough or city is bounded by the nearest margin of any navigable stream of this Commonwealth, and the opposite township, borough or city, as the case may be, is also bounded by the margin of the same stream, the middle of such stream shall be deemed and taken to be the boundary between such townships, boroughs, or cities, as the case may be.

Altering Lines.

17. The Act of 1834 [36] made provision for altering the lines of townships by the same procedure as required for the erection and division of townships. It is to be noticed, however, that no provision is made for submission to a popular vote, but the approval of the return remains in the control of the court.[37]

Notice should be given by the commissioners to the inhabitants of the township to which part of the territory is proposed to be added, and, if the report is silent, it will not be presumed that such was done.[38] On review the commissioners are

33 Carbondale Twp.'s Petition, 2 Lack. L. N. 109.
34 Act June 3, 1893, P. L. 284, Sec. 4, 1 P. & L. Dig. 370.
35 Act May 24, 1887, P. L. 203, 1 P. & L. Dig. 996.
36 Act of 1834, P. L. 537, Secs. 13, 14, 1 P. & L. Dig. 1014.
37 *In re* Clay, etc., Townships, 33 Pa. 366.
38 *In re* Norwegian Township, 20 Pa. 324.

not limited to the approval or rejection of the line first suggested.[39]

Special provision has been made for cases where, by reason of natural or artificial obstructions or causes, any part of a township is or shall be divided or cut off from the main portion of such township, or where such part is so located that access to the main portion thereof can only be had by passing through some other township or borough, and where it shall be for the best interests of any township so cut off or located, and of the inhabitants thereof, that such part should be stricken off from the township or borough of which it is a part and be annexed to some adjoining township or borough.[40] On presentation of a petition signed by not less than two-thirds of the inhabitants and the owners of not less than two-thirds in value, as shown by the last assessment for county taxation of the real property situate in such part of any township, the court of quarter sessions may decree such alterations of the boundaries of such township as may be affected thereby as shall be for the best interests of such part of any township so cut off or located as aforesaid. When the petition is presented the court shall direct notice to be given to the supervisors and town councils of such townships and boroughs as shall be affected by such change, and fix a day for hearing such matter, and after hearing all parties in interest, the court shall make such decree as to the court shall seem meet and proper. In case the alteration is decreed, an auditor must be appointed for the purpose of adjusting the indebtedness.

39 Exeter and Northmoreland Twp. Line, 8 Pa. C. C. 524, s. c. 7 Lanc. L. R. 293.

40 Act May 11, 1901, P. L. 177, 4 P. & L. Dig. 655.

CHAPTER III.

ADJUSTMENT OF INDEBTEDNESS.

SECTION
18. Where townships are divided.
19. Where a borough erected from.
20. Where borough limits are changed.
21. Where township annexed to city of the second class.
22. Where township annexed to city.
23. Annexation to cities of third class.
24. Where new township caused by new county line.
25. Where boundary altered.
26. Effect of division of township.

Where Townships Are Divided.

18. "Whenever a new township has been or may hereafter be, erected, whether by a division of one township, or by uniting parts of two, or more, adjoining townships, and whenever a borough has been, or may hereafter be, erected out of any township or parts of adjoining townships, the court of common pleas of the proper county, sitting in equity, shall have power, upon the application of the proper authorities, of said borough, township or townships, or either of them, by suit, or suits, in equity, to adjust all matters of indebtedness, between the said old township, or townships and the said new township, or borough; and in the execution of any decree, in any such suit or suits, the proper officers of the townships, liable to pay, shall have power to levy separate rates of taxation, if necessary, on the said parts of townships so erected into one." [1] This legislative provision repealed the first section of the Act of May 1, 1861.[2] By the second section of this act, it was directed that

1 Act April 12, 1866, P. L. 109, 1 P. & L. Dig. 1018.
2 Act May 1, 1861, P. L. 539, 1 P. & L. Dig. 1019.

similar proceedings be had in case of the division of any township, or upon a change of the boundaries of any township or townships.[3]

Where a Borough Erected From.

19. The General Borough Act of 1851,[4] provided for the payment by the borough erected from a township of its just proportion of the indebtedness. By the Act of June 12, 1878,[5] provision was made for the sharing of liabilities, where the borough was erected out of a township, the proportion to be ascertained by reference to the assessment of said township or townships for the year in which said borough was incorporated. By the second and ninth sections of this act, similar provision was made for the case of the borough into which a township shall merge. By the subsequent sections the method of ascertainment and apportionment is provided. The court of common pleas sitting in equity is given jurisdiction upon the application of one or more creditors, or of the proper authorities of any said township or borough by a suit or suits in equity, to ascertain the indebtedness of said township or townships, including judgments against the same at the time of the incorporation of each of said boroughs, respectively, and to equitably apportion said indebtedness which each shall pay. In making said adjustment, reference shall be had to the time of incorporation of such borough, and to the debts then existing, whether since paid or not, and also to the several amounts of township taxes, then unexpended; and the said adjustment shall be based upon the assessment of said township or townships, for the year in which such borough was incorporated, provided that in ascertaining said indebtedness, neither pending actions nor claims against said township or townships founded on tort shall

3 For the payment of taxes due from the county after division, but accruing before, see Barnett Twp. *vs.* Jefferson Co., 9 Watts 166.

4 Act April 3, 1851, P. L. 320, Sec. 24, 1 P. & L. Dig. 380.

5 Act June 12, 1878, P. L. 184, 1 P. & L. Dig. 381.

be included unless the same shall in the meantime have been prosecuted to final judgment.

By the fourth section the court is directed to give three months' public notice to those having claims, founded on tort as aforesaid, to present the same, on or before the day named therein, said notice to be published in not less than two newspapers within the proper county, if such exist, or in one newspaper, if there be no other, and in such further manner as may be directed by the court.

The court is given power to make such decrees, as may be necessary to enforce the payment of said indebtedness, and to appoint a receiver to receive the money due, as well as any special tax which may be collected.[6] Since the court of equity has jurisdiction, and power to enforce its orders, the court of common pleas will not compel payment by mandamus.[7]

"Each borough in any of the cases aforesaid shall be credited with the proper share of such indebtedness, due to said township or townships at the time of incorporation of such borough as shall have since been collected, and shall likewise be credited with its proper share of any unappropriated balance in the treasury of the said township or townships, at the end of the current year during which such borough shall have been incorporated, and the said court shall have like power to equitably adjust and apportion the same." [8]

"The cost of said proceedings shall be paid by the several said townships and boroughs, in such proportion as the said court shall adjudge, and the orders and decrees of the said court may be enforced by attachment." [9]

This act directs a proper apportionment of the township's indebtedness between it and the borough. The court ascertains what part of the debt the two should respectively bear.

6 Act June 12, 1878, P. L. 184, Secs. 3, 4, 5, 6, 1 P. & L. Dig. 381-3.
7 Lansdowne *vs.* Upper Darby Twp., 9 D. R. 694.
8 Act June 12, 1878, P. L. 184, Sec. 7, 1 P. & L. Dig. 383.
9 Act June 12, 1878, P. L. 184, Sec. 8, 1 P. & L. Dig. 383.

The decree of the court does not disturb the right of the creditors to resort either to the township or to the borough. If either pays the whole debt, it can be subrogated to the creditors' right against the other. The township, and possibly the borough, may file a bill for the apportionment of the debt. The ratio between the assessed value for tax purposes of the property in the borough, and that of the property of the entire township, is the ratio in which the borough should share the property and also the indebtedness of the township.[10]

This legislation furnishes the only method for the collection of such indebtedness, and involves an adjudication of all actions except those pending in tort. The marshalling of outstanding claims by auditors is not an adjudication which will bind either the township or the creditor. An order drawn upon the treasurer by the supervisors is not *prima facie* evidence of the township indebtedness, nor is a report made by virtue of the Act of March 31, 1864,[11] providing for the levying of a special tax for township indebtedness, conclusive. In apportioning the indebtedness all liabilities of the township are to be included, and not merely sums due for the repair of roads as under the Act of April 3, 1851.[12] The borough is liable for the ratable proportion of a judgment recovered in tort against the township alone, recovered after the erection of the borough, when the cause of action accrued before. Debts due for more than six years at the time of the erection of the borough, but which have been kept alive as against the township by payments, are not barred as against the borough, if less than six years have elapsed from the time of its erection. In a suit for

10 Township of Upper Darby *vs.* Borough of Lansdowne, 174 Pa. 203. In this case upon adjustment of all except the bonded debt, it was found that the township owed the borough $2,953.15. The bonded debt was then divided between the township and the borough in the ratio of their respective taxable property.

11 Act March 31, 1864, P. L. 162, 2 P. & L. Dig. 4602.

12 Act April 3, 1851, P. L. 325, 1 P. & L. Dig. 380; Jenkins Township *vs.* Yatesville, 1 Kulp 190.

such proportion, no right exists to an allowance for counsel fees.[13]

Where Borough Limits Are Changed.

20. Whenever proceedings shall have been begun in any court for the changing of the limits of any borough, by annexing thereto any tracts of land, or by detaching therefrom any territory included therein, and the change shall have been approved by the grand jury, the court must, before entering the decree confirming the same, appoint an auditor. He shall ascertain the existing liabilities of the several boroughs, townships and school districts, and the assessed valuation of all property liable to taxation for borough, township or school purposes, as shown by the last annual assessment in each borough, township, or school district, and within the limits of the part annexed to or detached from the borough, and he shall report the same to the court, with the form of a decree adjusting the liabilities for all indebtedness, and the value of property held or acquired by each justly and equitably upon the borough, township and school district, respectively. At the time of making the appointment of the auditor, the court must direct notice to be given of the time and place of meeting before him, and of the time of making his report, and of the hearing thereon, in such manner and for such time as it may decree, necessary and proper to give full notice to all parties interested, and must make such other and further orders as to it may seem meet and proper. The court after the hearing upon the report of the auditor, is authorized to direct the amounts that shall be paid by either the borough, township, or school district, to the other, and the time and mode of payment. If necessary to a proper adjustment of the indebtedness, the court may order a special tax to be levied upon the property so annexed to or detached from the borough, for the payment of so much of the in-

13 Kingston Township *vs.* Luzerne Borough, 5 Kulp 49.

debtedness as may be awarded against it, and may direct how the same shall be assessed and collected. The decree thus made shall be conclusive upon all parties interested, and the court shall have power to enforce it by appropriate orders and decrees, and by attachment of all public officers refusing to obey the same, and to punish such disobedience by fine and imprisonment, or either at its discretion.[14]

The Act of June 1, 1887, does not apply to proceedings for the adjustment of indebtedness where a part of the territory of a township passes to a borough on annexation proceedings by a petition of the borough council and ordinance thereon. It refers only to proceedings in court.[15]

Where Township Annexed to City of the Second Class.

21. The Act of May 8, 1895,[16] provided for the annexation of cities of the third class, boroughs or townships, or part or parts of townships to cities of the second class, and provided in the fifth section for the collection of the debts existing. This legislation has been held to be unconstitutional as a violation of article 3, section 7 of the Constitution forbidding local legislation.[17]

Where Township Annexed to City.

22. Provision was made for annexation to any contiguous city by the Act of April 28, 1903,[18] and it was directed that "the territory annexed shall pay its own floating and bonded indebtedness, and the interest thereon, as said floating and bonded indebtedness exists at the time of annexation, and for that purpose an annual tax shall be levied by the city to which it is annexed, and which shall be levied upon the subjects of taxa-

14 Act of June 1, 1887, P. L. 285, 1 P. & L. Dig. 384.

15 Wilkins School Dist. *vs.* Turtle Creek Borough Dist. 31 Pitts. L. J. 189, affirmed Wilkins Twp. School District, 18 Pa. Sup. 293.

16 Act May 8, 1895, P. L. 56, see Act April 14, 1897, P. L. 21.

17 Millvale Bor. Election, 26 P. L. J. 411.

18 Act April 28, 1903, P. L. 332.

tion in such annexed territory only. Such annexed territory shall not be liable for the floating or bonded indebtedness of the city to which it is annexed, as the same shall exist at the time of annexation; but the same shall be provided for, principal and interest, by an annual tax, to be levied by such city upon the subjects of taxation within its limits. In case of annexation, the court may appoint commissioners to ascertain the floating and bonded indebtedness of the territory annexed, and of the city to which it is annexed. An account shall be taken of all moneys on hand or receivable, applicable to the payment of the floating or bonded indebtedness of the respective portions, at the date of annexation, and such money shall be applied in payment of the floating or bonded indebtedness of the respective portions."

Where annexation was had under the Act of May 23, 1889,[19] it was held that township taxes levied before the date of approval of the annexation proceedings, but after the same had been instituted, could not be collected in the portion added to the adjoining city.[20]

Annexation to Cities of Third Class.

23. By the Act of May 16, 1901,[21] it was provided that when territory was annexed to cities of the third class that the indebtedness should be apportioned as follows: "When it shall appear to said court of quarter sessions that the township from which any part or portion, or any out-lots or section of land, has been taken, has money or funds or land, or is indebted, it shall be the duty of said court to determine and decree how much of said funds or moneys shall be paid as a ratable and equitable part to the said city; and likewise determine and decree what ratable and equitable part or

19 Act May 23, 1889, P. L. 277, 1 P. & L. Dig. 612.

20 Hale *vs.* Butler, 1 Lack. L. N. 5.

21 Act May 16, 1901, P. L. 225, 4 P. & L. Dig. 822. This act amended section 5, article 3 of the Act of May 23, 1889.

proportion of said indebtedness shall be paid by the said city to the said township, and to fix the time or times on or within which any of the respective moneys, parts or portions shall be paid."

This legislation was supplemented in 1903 as follows: "Whenever any borough or township, or part of township, adjoining any city of the third class, and being part of the county in which the same is situated, shall hereafter be annexed to such adjoining city in the manner prescribed by article three of the act, entitled 'An Act providing for the incorporation and government of cities of the third class,' approved May 23, 1889, the existing indebtedness, liabilities, and the interest thereon, of each of said cities, contracted prior to such annexation (excepting any and all funded indebtedness for the construction of sewers, waterworks, gas or electric light plants, or public buildings), shall be paid by such city, and the existing indebtedness and liabilities, and the interest thereon of each of said boroughs, townships, or parts of townships, shall be paid by the same, respectively, as the case may be, and for the liquidation of debts and liabilities, and the interest thereon, the authorities of such city shall have power to adjust and provide for the same by ordinance, and to levy separate rates of taxation on all persons and property subject to taxation, within the boundaries of such city, borough, township, or part of township, respectively, as the case may be, for the purposes aforesaid." [22]

Where New Township Caused by New County Line.

24. The court of quarter sessions is given power to adjust the indebtedness of the townships cut by the new county line, incurred prior to the erection of the new county, or prior to the consolidation and establishment of the new township, in such manner that only the property within the old territorial limits

22 Act April 25, 1903, P. L. 312.

of each township shall be liable for such indebtedness.[23] Where the township is divided by the new county line, both parts are liable for a debt due by the old township, and a recovery may be had against either part for the whole sum.[24]

Where Boundary Altered.

25. Where portions of a township are cut off from the main portion because of the inconvenience of access as provided by the Act of May 11, 1901,[25] the court decreeing the alteration shall appoint an auditor, who shall give such notice as the court shall direct to the parties in interest and after hearing and investigation shall report to the court the total valuation of the several boroughs, townships and school districts affected by the alteration decreed, the assessed valuation of the portion cut off, and also the amount of the indebtedness of the several boroughs, townships and school districts affected by such alteration, and the value of all property that shall be transferred by reason of such alteration. The auditor shall suggest a decree, which shall be confirmed *nisi* by the court, and absolutely, if exceptions be not filed within ten days, or an appeal taken by a party in interest. Any decree shall be enforced by the court as are those in equity.[26]

Effect of Division of Township.

26. Where a borough is carved out of a township it remains subject to a local statute providing for summary proceedings, when such statute was the law of the whole territory embraced by the township.[27] So a township situated in a new county, which has been taken from the territory of an older one, is subject to a local act governing township organization which ap-

23 Act May 13, 1879, P. L. 52, Sec. 4, 1 P. & L. Dig. 1019.
24 Plunkett's Creek Twp. *vs.* Crawford, 27 Pa. 107.
25 Act May 11, 1901, P. L. 177, 4 P. & L. Dig. 655.
26 Act May 11, 1901, P. L. 177, 4 P. & L. Dig. 656.
27 Com. *vs.* Ayers, 17 Pa. Sup. 352.

plied to the whole territory before the division.[28] Where the new township is erected from several having inconsistent laws, it would seem that such are incapable of enforcement.[29]

In case a new township is created the justices of the peace within the territory from which it is taken shall continue for the proper township in which they reside for the balance of the official term. Any deficiency in the number allowed by the Act of June 21, 1839, shall be supplied at the next succeeding elections for constables in such townships.[30]

28 Com. *vs.* Carson, 21 Pa. Sup. 48.
29 Com. *vs.* Baker, 4 Pa. C. C. 34.
30 Act May 9, 1846, P. L. 105, Sec. 1, 1 P. & L. Dig. 2538.

CHAPTER IV.

CLASSES OF TOWNSHIPS.

SECTION
27. Classification of townships.
28. Method of determining the class.
29. Constitutionality of classification.
30. Effect of classification.

Classification of Townships.

27. Prior to 1899 all townships were of the same class, having the same powers and duties, except as affected by local legislation. In that year a classification was adopted. The purpose thereof was expressed in the preamble to the legislation: "WHEREAS, In those more populous townships of the Commonwealth, which are in a large measure devoted to residential purposes, there is need of a form of municipal government having greater powers than are now possessed by the local governments of townships under existing laws," that, therefore, the legislation was enacted.[1] By a subsequent enactment the method of classification was altered.[2]

As modified it is directed "that for the purpose of legislation, regulating their municipal affairs, the exercise of certain corporate powers, and having respect to the number, character, powers and duties of certain officers thereof, the townships now in existence and those to be hereafter created in this Commonwealth, shall be divided into two classes. Those townships having a population of at least three hundred to the square mile as shown by the United States census or as ascertained in the manner hereinafter provided, shall be town-

1 Act April 28, 1899, P. L. 104, 4 P. & L. Dig. 912.
2 Act May 11, 1901, P. L. 160, 4 P. & L. Dig. 912.

ships of the first class. All other townships shall be townships of the second class."

Method of Determining the Class.

28. "It shall be the duty of the county commissioners in every county of the Commonwealth to ascertain whether any township in the county comes within the conditions hereinbefore set out as constituting a township of the first class, and by proclamation, to be issued prior to the first day of January following the ascertainment of population by the decennial census of the United States, to designate the townships of the first class, if any, within the county, and by proclamation, to be issued prior to the first day of January of each of the intervening years, to designate the townships, if any, which since the last preceding proclamation have been ascertained to come within the said conditions and to be townships of the first class; and in all townships so designated, the officers provided for by this act shall be chosen at the municipal election then next ensuing, and the township government constituted by this act shall go into force on the first Monday of March then next ensuing. Said proclamation by the county commissioners shall be advertised in two newspapers published in the county."

"At any time, not less than two years before the time fixed for taking a decennial census of the United States, whenever twenty or more freeholders residing in any of the townships of the second class shall present their petition to the court of quarter sessions of the county, averring that the population of said township has become and is at least three hundred to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any proceedings had upon said petition, the said court shall appoint a competent commissioner to make an enrollment of the inhabitants of the said township, and to report the said enrollment, with a finding of the population of the said township, during the next ensuing term of the said court.

Upon the filing of the report of the said commissioner, the same shall be confirmed *nisi,* said confirmation to become absolute unless excepted to within twenty days thereafter, during which time notice of the said filing and confirmation shall be advertised in a newspaper of said county once a week for three weeks. If exceptions are filed to the said report within the said period, the court, upon consideration thereof, shall confirm the said report or modify the said finding, and thereupon the clerk of the court shall certify to the county commissioners of the county the population of the said township as shown by the said proceedings. The costs and expenses of the said proceedings, including a reasonable fee for the said commissioner shall be paid by the said petitioners or by the townships, or partly by each, as the court shall direct." [3]

In determining the population non-permanent residents in an insane asylum are to be excluded.[4] A special law dividing a township into two wards is superseded by this legislation, the division being merely for election purposes, and both are to be considered as one.[5] Where a township is proclaimed one of the first class, and officers are elected and measures passed, it remains a township of that class, although by the census return it lacks the requisite population.[6] If exceptions filed to the report of the commissioner appointed to determine the population, as directed by the Act of May 11, 1901, be overruled, an appeal may be taken, but the record alone will be examined, it being an appeal in name, but a *certiorari* in fact.[7]

Constitutionality of Classification.

29. The Act of April 28, 1899, and its supplement, classifies townships according to the density of their population, and

3 Act May 11, 1901, P. L. 160, 4 P. & L. Dig. 912-4.

4 Crawford *vs.* Commissioners, 25 Pa. C. C. 380, s. c. 10 D. R. 649; 32 Pitts. L. J. 54.

5 Com. *vs.* Rooney, 10 Kulp 317, s. c. 10 D. R. 745.

6 Crescent Twp. Case, 31 Pitts. L. J. 297.

7 Springdale Twp., 20 Pa. Sup. 381.

is not unconstitutional as special local legislation. In Commonwealth *vs.* Blackley,[8] in which the appellate court upheld the constitutionality of this legislation it was said by the lower court in an opinion adopted by the Supreme Court: "As to the mode of classification by the density instead of by the bulk of the population, we cannot see that it is liable to just criticism. In classifying cities which are *ex vi termini* great centers of a crowded population, the character of the city is sufficiently determined by the number of inhabitants, but in classifying townships, which constitute the whole *residuum* of the Commonwealth, not yet organized into boroughs or cities, and of which some are very large, and some are very small, it would seem to be more reasonable, if they are to be classified at all, not to classify them by number of population, which would put into different classes communities exactly similar in their wants as to roads, sidewalks and other matters concerning their municipal government, but to classify them on the same principle on which boroughs are erected out of townships, namely, on the density of their population. The result, we think, is general, and not special legislation." The same determination was reached in P. & R. Coal and Iron Co.'s Case.[9] In Plains Township Case[10] the same ruling was made.[11]

Effect of Classification.

30. The act providing for the classification repeals inconsistent legislation, but except as modified by the Act of 1899, and its supplements, existing laws continue in force until changed, modified or repealed by legislation relating expressly

8 Com. *vs.* Blackley, 198 Pa. 372.

9 Phila. & Reading Coal and Iron Co.'s Petition, 200 Pa. 352, affirming 16 Sup. 260, which reversed 23 Pa. C. C. 587.

10 Plains Twp. Case, 16 Sup. 262.

11 Reversing 30 Pitts. L. J. 300, s. c. 10 Kulp 12, 7 North. Co. 207, 17 Lanc. L. R. 302, 9 D. R. 379.

thereto.[12] Thus, the local Act of April 14, 1853, relating to the election of a township treasurer, in Mifflin township, one of the first class, was repealed.[13] So was an act providing for the election of township officers.[14] So the Act of June 12, 1893, permitting taxpayers of the township to contract for making at their own expense the roads, and thereby preventing the levy and collection of a road tax therein, was rendered inoperative as to townships of the first class.[15]

The creation of townships of the first class did not repeal the laws in relation to boroughs, providing for annexation of townships, or parts thereof.[16] Nor change the method of dividing townships, though of the first class.[17] Nor did it make the township such a municipal corporation as a borough or city, the consent of whose authorities to the construction of a street railway suffices, without the consent of the abutting property owners. Such must be obtained as in a township of the second class.[18]

12 Act April 28, 1899, P. L. 104, Sec. 3, 4 P. & L. Dig. 914.

13 Com. *ex. rel. vs.* Blackley, 198 Pa. 372.

14 Com. *vs.* Rooney, 10 D. R. 745, s. c. 10 Kulp 317.

15 Phila. & Reading Coal & Iron Co.'s Ap., 200 Pa. 352, affirming 16 Pa. Sup. 260; Plains Twp., 16 Sup. 262. See now the Act of May 24, 1901, P. L. 297, 4 P. & L. Dig. 917.

16 Alliance Borough, 7 North 396, s. c. 2 Blair 34.

17 Stowe Twp. Division, 23 Pa. Sup. 285.

18 Dempster *vs.* United Traction Co., 205 Pa. 70.

CHAPTER V.

SCHOOL DISTRICTS.

SECTION
31. Formation.
32. Independent school districts.
33. The petition.
34. Commissioners.
35. The return.
36. Costs.
37. When new district recognized.
38. Abolition of independent districts.
39. Annexation to district.
40. Annulling of annexation.
41. Formation of new district by creation of borough.
42. Adjustment when new district formed.
43. Adjustment continued.
44. Adjustment continued.
45. Adjustment where lines altered or independent district abolished.
46. Adjustment where lines of borough altered.
47. Adjustment where any district is enlarged.
48. Adjustment where borough erected from township is merged into one or more boroughs, and ceases to exist.
49. Classification of school district.

Formation.

31. Prior to 1849 school districts and sub-districts existed throughout Pennsylvania. By the Act of April 7th, of that year,[1] every township, borough or ward in the Commonwealth was made a school district, and the directors were required to establish a sufficient number of common schools in each. By the 38th section of this act, which repealed all former acts relative to the common school system, which were supplied by or inconsistent with its provisions, these sub-districts were abolished. The act did indeed provide that sub-districts could be formed, and if so, should not be altered or abolished, except

1 Act April 7, 1849, P. L. 441.

with the consent of a majority of the citizens of the sub-district, ascertained at a public meeting for that purpose, or by writing signed by their names and addressed to the board of directors.

The general Act of May 8, 1854,[2] followed. It was designed to provide a complete system of common school education, in lieu of that which had existed before its enactment. It declared that every township, borough and city of this Commonwealth should constitute and be a school district, subject to its provisions, with the qualification that any township which is or may become connected with a township, in the assessment of county rates and levies, shall with this township, form one township.[3] The 52d section repealed all former acts and parts of acts relative to the common school system, and all laws relating to or creating independent districts, or authorizing the establishment of sub-districts, and the appointment of committees. The repealing clause of the Act of 1849, therefore obliterated all sub-districts created before that time, and the Act of 1854 abolished all created to that time.[4]

Independent School Districts.

32. "Since 1854, a settled policy of the law of Pennsylvania has been to make school districts correspond with the divisions of the counties into townships or boroughs. So essential to the welfare of the common school system was this general rule regarded, that the Legislature provided for the abolition of independent districts, except where the court, upon application, and after careful consideration, should conclude that there were sufficient reasons for their continuance, and in order to prevent the improper creation of such districts, thus restoring one of the great evils, which had grown up under the old system, the Legislature declared the true intent and meaning of the act creating independent districts." [5]

2 Act May 8, 1854, P. L. 617, 1 P. & L. Dig. 747.
3 Act May 8, 1854, P. L. 617, Sec. 2. 1 P. & L. Dig. 748.
4 Conley *et al. vs.* School Directors of West Deer Twp., 32 Pa. 194.
5 *In re* School District in Marcy Twp., 5 Kulp 61.

Provision was made for the establishment of such districts in cases of absolute necessity by the Act of May 8, 1855.[6] The circumstances under which such action shall be taken were explained by the next Legislature: "The true intent and meaning of the provisions of the supplement to the general school law, approved the 8th day of May, 1855, for the creation of independent school districts, was, and is to provide in a guarded manner for exceptions to the general rule, and to protect and promote the educational welfare of occasional localities, that, from natural or other adequate obstacles, could not be properly provided for under the organization of township districts; and further, it was not the intention to cut up townships into single school districts, nor to carve out the wealthiest from the poorer portions of a township or townships, to the prejudice of the rights and interests of the latter." [7]

From 1854 to the adoption of the Constitution of 1874 it was possible for the Legislature, by act of Assembly to erect independent school districts. An illustration of this power is found in the Act of February 23, 1869,[8] establishing Braintrim district from Auburn township, in Susquehanna county, and Braintrim township, in Wyoming county.[9] Such legislation is now prohibited by article 3, section 7 of the Constitution of 1874.[10]

The Petition.

33. The Act of 1855 directs the institution of such a proceeding upon the petition of not less than 20 taxable inhabitants of the township or townships, desiring the formation of the territory upon which they reside into a separate and independent common school district, and setting forth the bounds

6 Act May 8, 1855, P. L. 509, Sec. 5, 1 P. & L. Dig. 748.
7 Act May 20, 1857, P. L. 587, Sec. 1, 1 P. & L. Dig. 749.
8 Act Feb. 23, 1869, P. L. 233.
9 Braintrim Ind. S. D., 22 Pa. C. C. 190.
10 1 P. & L. Dig. 55.

of such proposed district.[11] The petition must set forth all the facts, which furnish the reasons for the separation. It must show obstacles, natural or artificial, and of a physical character, which would authorize such order by the court. Necessity and not expediency must be the test.[12]

Commissioners.

34. If valid reasons be set forth in the petition, the court of quarter sessions shall appoint commissioners to view the premises and report to the court at its next term, the lines of the proposed new district, either according to the bounds set forth in the petition, or to such other bounds as they shall think more advisable, together with their opinion of the expediency of establishing or not establishing the same, the proceedings upon which petition, commission, and report and the final disposition thereof shall, in all other respects, be according to the act of Assembly now in force, relative to the creation of new townships.[13]

The commissioners must give notice of the time and place of the view, or the report will be set aside.[14] The order must direct at least ten days' special notice to be given to the school directors of the district from which the new one is to be taken.[15] This is in addition to the general public notice to be given by the commissioners by hand bills, or otherwise to the general public.[16] A report is not sufficient which states that special notice was given to the school directors, which does not state that this was done ten days prior to a meeting.[17] If it affirma-

11 Act May 8, 1855, P. L. 509, Sec. 5, 1 P. & L. Dig. 748.

12 Hatfield Twp. Independent School Dist., 42 L. I. 277; South Abington School Dist., 1 D. R. 696; 11 Pa. C. C. 602; Spring Garden Independent School Dist., 7 York 181; Mt. Pleasant Independent School Dist., 10 Pa. C. C. 588; Independent School Dist. in Franklin Twp., 22 Pa. C. C. 43.

13 Act May 8, 1855, P. L. 509, Sec. 5, 1 P. & L. Dig. 748.

14 Sewickley Twp. Ind. S. D., 33 Pa. 297.

15 Clearfield Ind. S. D. 79 Pa. 419.

16 Wilkins Twp. S. D., 70 Pa. 108.

17 Clearfield Ind. S. D., 79 Pa. 419.

tively appears that both notices were given, but it is not set forth, how that to the general public was conveyed, proof may be offered that it was by posting hand bills, as a result of which many attended.[18] Should it appear that a public hearing was given after notice, but that an adjourned hearing was held for the considering complaints of remonstrants, of which no notice was given to the petitioners, the proceedings will be defective.[19]

The Return.

35. The return must show the natural or other adequate obstacles which make it necessary for the educational welfare of the inhabitants, that the new district be created. The omission to do so is fatal and is not cured by calling witnesses to prove the existence of the necessary facts.[20] If the obstacles be such as can be provided for by the old district, no division should be made.[21] And the obstacle cannot be of any other than a physical character.[22] The mere fact that the nearest school is at an inconvenient distance is not sufficient reason.[23] Nor that the school houses are insufficient or in bad condition.[24] Nor that the school directors are inattentive.[25] Nor the fact that it is necessary to cross a railroad track upon which children walk, when a public road is provided.[26] Even if there be such an obstacle as a bridge and a railroad track, an independent district will not be created where there is a school in the part desired to be cut off.[27]

18 Marcy Twp. Ind. S. D., 5 Kulp 61.
19 Huntingdon Twp. Ind. S. D., 5 Kulp 473.
20 Warminster Township Ind. S. D., 1 D. R. 610; School District in Franklin Township, 22 Pa. C. C. 43; 8 D. R. 370, Foxburn Ind. S. D., 25 Pa. C. C. 226.
21 Mt. Pleasant Twp. Ind. S. D., 10 Pa. C. C. 588.
22 Hatfield Twp. Ind. S. D., 42 L. I. 277, s. c. 2 Walker 169.
23 Ind. S. D., 2 Chester 132.
24 Ind. S. D. in Franklin Twp., 22 Pa. C. C. 43; 8 D. R. 270.
25 Spring Garden Ind. S. D., 7 York 181.
26 Warminster Twp. Ind. S. D., 1 D. R. 610.
27 Marcy Twp. Ind. S. D., 5 Kulp 61.

As required by the first section of the Act of 1855, a draft must be returned with the report of the commissioners. If such a plot, showing the lines of the new township be not annexed, the report is defective.[28] Not only must the new lines be given, but those of the old district, from which the new is taken must appear.[29]

Costs.

36. If the proceedings result in the establishment of a new common school district, the cost of the commission, and the office fees shall be paid by the said new district; but if otherwise said costs and fees shall be paid by the petitioners themselves.[30]

When New District Recognized.

37. When a new district shall hereafter be formed, such district shall not be considered and recognized as a separate and independent school district until after the termination of the current school year, in which it became a new district, and until it shall have a full board of directors regularly elected or appointed and organized, except that the directors thereof shall have authority to levy, assess and collect tax, procure school houses, and do all other acts necessary to the commencement of the schools for the ensuing year.[31] This was true under prior legislation.[32]

Abolition of Independent Districts.

38. The Act of 1857, explanatory of the Act of 1855, directed that if the court should erect an independent district in violation of the principles set forth, that the court of quarter sessions, upon application of not less than twenty citizens of the township or borough affected thereby, should open its de-

28 Sewickley Twp. Ind. S. D., 33 Pa. 297.
29 Wilkins Twp. S. D., 70 Pa. 108.
30 Act May 8, 1855, P. L. 509, Sec. 5, 1 P. & L. Dig. 748.
31 Act May 8, 1854, P. L. 617, Sec. 3, 1 P. & L. Dig. 750.
32 Williams *vs.* Crook, 17 Pa. 199. And applies where a borough is divided. Hunlock *vs.* Jones, 9 Kulp 278.

cree, and, after a re-examination on the merits, confirm or annul such district as the evidence might require. No independent district shall be created without the unanimous concurrence of the court.[33] A new district may be abolished under this provision, where the report of the commissioners appointed to view failed to set forth an obstacle making it necessary.[34] But a petition to so annul which avers injury, but fails to state that the township was cut up into single school districts, or that a wealthier portion was taken from a poorer part, to the prejudice of the latter's rights, will be dismissed as not in compliance with this legislation.[35] A writ of error does not lie from the decree of the court refusing to annul its confirmation of the report establishing the new district.[36]

By the same act, provision was made for the abolition of such districts as had been properly created. By petition one-third of the taxable citizens of the school district, from which the independent school district was established, may apply, whereupon the court shall hear and determine, and if it sees fit discontinue.[37] But the court will not abolish under this act where the district has been created by special Act of Assembly.[38] Such proceeding must be had before the court can enlarge or absorb the district in a new independent district.[39] It may abolish the whole, but not a part of the independent district.[40]

These acts have been amended by the Act of 1903,[41]

33 Act May 20, 1857, P. L. 587, Sec. 1, 1 P. & L. Dig. 749. This applies to Districts created after 1857. Greenwood Twp. Ind. S. D., 19 Pa. C. C. 452; *contra* Harrisville Bor. Ind. S. D., 6 Pa. C. C. 469.

34 Greenwood Twp. Ind. S. D., 19 Pa. C. C. 452.

35 Harrisville Bor. Ind. S. D., 6 Pa. C. C. 465.

36 Brown *vs.* Ind. S. D., 16 Atl. 32, s. c. 1 Mona. 111.

37 Act May 20, 1857, P. L. 588, Sec. 1, 1, P. & L. Dig. 750.

38 Braintrim Ind. S. D., 22 Pa. C. C. 190, but see Act of April 22, 1903, P. L. 237.

39 Foxburg Ind. S. D., 25 Pa. C. C. 226.

40 Lagrange *vs.* Ind. S. D., 7 D. R. 719.

41 Act of April 22, 1903, P. L. 237, supplanting Act of May 12, 1897, P. L. 55.

which provides, "That in all cases where an independent school district has been created by any of the courts of quarter sessions of the place of this Commonwealth, or by Act of Assembly, it shall be lawful for the court of quarter sessions of the county in which such independent district is located, upon application to said court of a majority of the taxable citizens resident within the limits of such independent school district, by petition, setting forth that they desire the abolition of said district, to hear and determine the application upon its merits, and if deemed expedient, the said court shall discontinue the said independent district. This act does not apply to independent school districts composed of parts of adjoining counties. (Section 3.) It was held under the Act of 1897, the petition must be signed by a majority of both districts from which the new district was taken. A majority of a part of the district is not sufficient.[42]

Annexation.

39. The courts of quarter sessions have authority to annex land of persons resident in one township or borough to another township, borough or to a city containing not more than 10,000 inhabitants, so that when so annexed, the applicant shall pay school taxes and be included within the school district to which it was annexed for educational purposes, and remain connected with the district or township, or borough of his residence for all other purposes. The court shall proceed by view or review in the manner, and under the restrictions provided by the Act of April 15, 1854, and its supplements, in regard to the alteration of the lines of two or more adjoining townships, provided the costs of the proceeding shall be paid by the persons applying for the change, and provided further that the transfer of lands, or parts thereof, of residents of a township or borough to any such city for school purposes shall only be by

42 Lagrange Ind. S. D., 7 D. R. 719.

and with the consent of the board of school directors of both districts.[43]

This act authorizes annexation on the petition of the land owners only.[44] The granting of the petition is within the discretion of the court.[45] And if the report of the viewers has been confirmed by the lower court, the appellate court will not review the proceedings on their merits.[46] Only those who make application can be included in the decree of the court.[47] The petition will be defective if it does not set forth that the land proposed to be annexed adjoins the township to which it is desired to be joined.[48]

And the annexation will be refused when it does not appear that the lands do so adjoin.[49] The report must be filed at the next regular term, and it cannot be entered *nunc pro tunc*.[50]

One who resides on lands annexed in accordance with this act is brought within the new district for all purposes for which it is formed, including the right to vote for school directors.[51]

Annulling of Annexation.

40. By the Act of June 8, 1881,[52] the court of quarter sessions may annul the decree by which the land was annexed, if it is deemed expedient, upon the petition of one-third of the taxable citizens of the township or borough in which said land is situated.

By subsequent legislation it was made lawful for the court to annul and vacate the order and decree, annexing said lands, upon petition of the residents of the land so annexed, or a ma-

43 Act of April 17, 1876, P. L. 38, Sec. 1, 1 P. & L. Dig. 753.
44 *In re* Easttown S. D., 4 Del. Co. 49.
45 Watson's Petition, 1 Chest. 496.
46 *In re* Elk Twp. S. D., 146 Pa. 1.
47 Tredyffrin S. Lands, 7 Pa. C. C. 228.
48 Wolfe's Petition, 8 Kulp 181.
49 Heidler's Petition, 122 Pa. 653.
50 Mt. Pleasant School District, 20 Pa. C. C. 60.
51 Colvin *vs.* Beaver, 94 Pa. 388.
52 Act June 8, 1881, P. L. 69, Sec. 1, 1 P. & L. Dig. 754.

jority of them, and with the consent of the board of school directors of both districts interested.[53]

Proceedings to so detach must be conducted by virtue of one of the two acts mentioned, and not by the appointment of viewers under the Act of April 17, 1876.[56]

Formation of New District by Creation of Borough.

41. By the Act of 1854,[57] every township and borough is made a separate school district. When therefore a borough was created from a township a new district was created, one retaining the old name, and the other assuming that of the new borough. This was true under this legislation although the part of the old district remaining was very small and had but a scant population.[58]

By subsequent legislation[59] it is provided that where a borough is erected from a township leaving the remaining portion of the township without a school house, and with less than ten resident freeholders, and less than twenty-five resident children between the ages of six and sixteen years, then the creation of such borough shall not cause a division of the school district, but it shall remain as it existed theretofore. Whenever it is made thereafter to appear to the court of common pleas by a petition of at least twenty freeholders of such undivided school district at a proper hearing that a portion of such school district outside of the borough has at least ten resident freeholders and twenty-five resident children, then the court may decree a division into two districts. This legislation is not retroactive.[60]

Adjustment When New District Formed.

42. "When a new school district is formed, the court estab-

53 Act June 2, 1891, P. L. 172, 1 P. & L. Dig. 754.
56 Newry S. D., 11 Pa. Sup. 592.
57 Act May 8, 1854, P. L. 617, Sec. 1, 1 P. & L. Dig. 747.
58 Old Forge S. D. Indebtedness, 22 Pa. Sup. 239.
59 Act February 5, 1903, P. L. 4.
60 Old Forge School District's Indebtedness, 4 Lack. J. 362.

lishing the same shall determine, on hearing, whether an undue proportion of the real estate and school houses, belonging to the old district or districts, are within the bounds of the new district, and, if so, how much money shall be paid therefor by the new to the old district or districts, and if any money be on hand or debt unpaid, or any tax or other claims be uncollected, after the settlement of all accounts of the current year, the proper court shall divide said money or debt, amongst the districts, in such proportions, and shall make such order as to uncollected tax, or other claims as shall be just; and any sum thus decreed to be due by any district, to any district or individual, shall be entered, in the nature of a judgment, against the same, and shall be subject to execution in the manner prescribed by section 21 of the general common school law of May 8, 1854." [61] This section applies only to the case of the formation of a new district.[62] And such a new district is created by reason of the formation of a borough.[63] This legislation is remedial, and must be liberally construed.[64]

The petition must contain all facts essential for the information of the court. It should set forth the time and manner of the formation of the new district; what real estate and school houses belonged to the old district, with the value thereof, and what portion is within the bounds of the new; whether the part situated in the new district is an undue proportion; and whether any money, debt, tax, or claim exists or is uncollected after the settlement of the accounts of the current year.[65] The application must be presented to the court of the county in which the district is situated.[66]

61 Act April 11, 1862, P. L. 471, Sec. 11, 1 P. & L. Dig. 752.

62 Wilkins Twp. School District, 18 Pa. Sup. 293.

63 *In re* Abington S. D., 84 Pa. 179; *In re* Jenkintown S. D., 6 W. N. C. 65. See now the Act June 24, 1895, P. L. 259; *In re* S. D. Luzerne Borough, 3 Kulp 162.

64 *In re* Jenkintown S. D., 6 W. N. C. 65.

65 *In re* Roaring Brook S. D., 1 Lack. Jur. 323.

66 *In re* South Covington S. D. Ind., 3 C. P. Rep. 170—here a new county had been erected after division.

The right to contribution for real estate accrues only to the old district where the new has an undue proportion, but not to the new where the old retains an excess. This distinction is not observed as to the division of assets of a personal nature.[67] So the new would be entitled to its share of the State appropriation.[68]

Adjustment Continued.

43. The court establishing the district is given jurisdiction. It has been assumed by the common pleas,[69] and by the quarter sessions.[70] The power of the court is to be invoked by the petition of a dismembered district.[71] In the petition of Borough of Gilberton [72] both the old and the new school districts united in the petition. If the township from which the borough is cut off is again divided into two school districts, the new school district should not be permitted to intervene in the proceeding between the original township and the borough.[73] In executing this power the court of quarter sessions may appoint commissioners.[74] Or an auditor [75] who makes report to the court. To this report exceptions may be filed on which the court may confirm the report, amend it,[76] or refer it back to the commissioner

67 App. of S. D. of Aleppo, 96 Pa. 76.

68 Lower Allen Twp. S. D. *vs.* Shiremanstown S. D., 91 Pa. 182.

69 Butler Twp. S. D. *vs.* Gordon S. D., 10 Pa. C. C. 663. *In re* petition of School Board of Gilberton, 1 Leg. Rec. R. 11; *In re* Jenkintown S. D., 6 W. N. C. 65.

70 *In re* Abington S. D., 84 Pa. 179; Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65.

71 *In re* Jenkintown S. D., 6 W. N. C. 65; *In re* Abington S. D., 84 Pa. 179; Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65; Appeal of S. D. of Aleppo, 96 Pa. 76.

72 Petition of School Board of Borough of Gilberton, 1 Leg. Rec. Rep. 11.

73 App. S. D. of Aleppo, 96 Pa. 76.

74 *In re* Abington S. D., 84 Pa. 179; Lower Allen Twp. S. D. *vs.* Shiremanstown S. D., 91 Pa. 182; Appeal of School District of Aleppo, 96 Pa. 76.

75 *In re* Petition of Sch. Bd. of Borough of Gilberton, 1 Leg. Rec. Rep. 11.

76 Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65; Butler Twp. S. D. *vs.* Gordon S. D., 10 Pa. C. C. 663.

or auditor for emendation.[77] In case the court does confirm, no right of appeal is given, though the record may be brought for review on *certiorari,* the regularity of the proceedings of the court below being alone considered.[78]

One of the inquiries of the court is whether an undue proportion in value of the real estate and school houses is within the territory comprising the new district; and, if so, how much money the new district must pay the old for this excess. Under the Act of 1862 the old is not obliged to pay the new for any excess of such real estate and school houses that may remain in it.[79] The same has been held under the Act of June 24, 1895.[80] In determining the due proportion two methods have been adopted. By one, consideration is had of the number of taxpayers in the new and old districts, of the number of pupils, and of the amount of taxable property.[81] A so-called average is said to be taken on the basis of these three elements.[82] By another method the ratio of the taxable property in the new district to that in the old district is regarded as furnishing the proper basis of division of the property. It has been said that the district should share the school property in the proportion in which they have contributed the money which purchased it. This is approximately the proportion which the taxable property in each bears to that in the other. Thus, if the taxable property in the new district is one-third of the taxable property in the old district, the new district should have one-third of the

77 *In re* Petition of Sch. Bd. of Gilberton, 1 Leg. Rec. Rep. 11.

78 Petition of School Directors of the Borough of Aliquippa, 172 Pa. 81.

79 Ap. of S. D. of Aleppo, 96 Pa. 76; *In re* Petition of School Board of Gilberton, 1 Leg. Rec. Rep. 11.

80 Act June 24, 1895, P. L. 259, 3 P. & L. Dig. 161; Munhall Bor. S. D. *vs.* Mifflin Twp. S. D., 207 Pa. 638.

81 *In re* Jenkintown School District, 6 W. N. C. 65; Butler Township School District *vs.* Gordon S. D., 10 Pa. C. C. 663; *In re* Petition of School Board of Gilberton, 1 Leg. Rec. R. 11.

82 Butler Twp. S. D. *vs.* Gordon S. D., *supra.*

school land and houses, and pay the old district the value of the excess beyond this one-third.[83]

Adjustment Continued.

44. Another duty of the court is to consider whether any money is on hand or debt unpaid or other claims collected after the settlement of all accounts of the current year. It is the duty of the court to divide the money or debt amongst the districts in a just proportion. Only one method seems to have been observed for ascertaining this, *i. e.,* that of ascertaining the ratio of the taxable property in the old and new districts. If the new district has one-third of the whole taxable property of the original district, it has a right to receive,[84] or having received, to retain [85] one-third of the money on hand, or any indebtedness due the township, or moneys arising from taxes in the duplicate of years preceding the erection of the new district. The moneys collected by the township since, but due at the time of the division, the new district has a right to share. In the case of personal assets, the new district may recover from the old its proportionate share.[86]

In the division of the State appropriation, the proper method of apportionment is based upon the number of taxable inhabitants,[86*] and the new district will be awarded its share though the sum was not paid by the State until after an adjustment was made.[87]

A debt due by the township must be divided in the same ratio as well as the interest which has accrued upon it.[88] In

83 Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65; *In re* School Dist. Luzerne Borough, 3 Kulp 162.

84 Butler Twp. S. D. *vs.* Gordon S. D., 10 Pa. C. C. 663; Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65; *In re* Petition Sch. Bd. of Gilberton, 1 Leg. Rec. Rep. 11; Appeal of S. D. of Aleppo, 96 Pa. 76; *In re* School Dist. Luzerne Borough, 3 Kulp 162.

85 *In re* Petition of Sch. Bd. of Gilberton, 1 Leg. Rec. Rep. 11.

86 Appeal S. D. of Aleppo, 96 Pa. 76.

86* *In re* S. D. Luzerne Borough, 3 Kulp 162; Darby Borough S. D., 160 Pa. 79.

87 Lower Allen Twp. S. D. *vs.* Shiremanstown S. D., 91 Pa. 182.

88 Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65.

case of adjustment where the new school district is found to have an undue proportion of the land and school houses, interest is allowable from a point of time subsequent to the division of the district, sufficiently long for the two districts to have had their liabilities adjusted.[89] In case a balance is found, it has been said that interest should be allowed from the time the possession of the property was taken.[90]

In case the old district sues the new district, a third district since erected out of the old, has no right to intervene, but must await the determination of the action, and then secure its proportionate part.[91]

A review of the proceedings of the inferior court may be had upon *certiorari,* now called an appeal.[92]

In case of an adjustment between an old and two new districts, an appeal by one of the two new districts will not act as a supersedeas as to the decree against the other, but an execution may issue against it. The only defense in such case would be a lack of funds, in which case a special tax would be ordered.[93] The amount due by the new to the old district is an asset to be considered in determining whether the limit of the borrowing capacity has been reached, though the exact amount due has not as yet been determined.[94]

Adjustment Where Lines Altered or Independent District Abolished.

45. By the tenth section of the Act of April, 1862,[95] provision was made for adjustment where school districts were altered or independent school districts abolished.

89 Williams Twp. *vs.* Williamstown, 9 Pa. C. C. 65; here costs were divided because both parties were at fault.

90 S. D. of Twp. of Springfield *vs.* S. D. of Boro. of Morton, 7 Dela. 583.

91 Appeal of S. D. of Aleppo, 96 Pa. 76.

92 *In re* Abington S. D., 84 Pa. 179. There was an appeal in *In re* Jenkintown S. D., 6 W. N. C. 65.

93 S. D. of Ridley Twp. *vs.* S. D. of Ridley Park, 4 Del. 97.

94 Dolan *et al. vs.* Lackawanna Twp. S. D., 10 D. R. 694, 7 Lack. L. N. 129.

95 Act April, 1862, P. L. 471, 1 P. & L. Dig. 751.

It is directed that the school real estate and movable property within any detached portions of districts, or abolished districts, shall pass, with the territory on which they are situated to the district or districts, to which such territory has become detached, or reverts, with like right in the directors thereof to use or sell the same, as the proper directors had, before the alteration, or abolition; and if any money be on hand, or debt unpaid, or any tax or other claims be uncollected, after the settlement of all discounts of the current year, the proper court shall divide said money, or debt, amongst the districts thus acquiring territory, in such proportion, and shall make such orders as to uncollected tax, or other claims due by said abolished district to any person or persons, as shall be just; and any sum thus decreed to be due, by any district, to any district or individual, shall be entered, in the nature of a judgment, against the same, and shall be subject to execution in the manner prescribed by the 21st section of the general common school law, of the 8th of May, 1854. The supplementary legislation of 1903, providing for the abolition of independent school districts, created either by Act of Assembly or by the court of quarter sessions, provides for the apportionment of the school property as directed by the prior laws.[96]

This section of the Act of 1862 given, applies to all cases where there is an alteration by the court or by the lawful action of other competent authority.[97] By virtue of it, the old district is entitled to compensation from the new district for its proportionate part of an unpaid debt,[98] but no provision is made for the payment for the excessive proportion of real estate received.

Adjustment Where Lines of Borough Altered.

46. When a borough is changed in dimension by addition or

96 Act April 22, 1903, P. L. 237.
97 *In re* Abington School Dist., 84 Pa. 179.
98 Wilkins Twp. S. D., 18 Pa. Sup. 293.

subtraction, there must be an adjustment of the debts and of the property between the borough and the township. By the Act of June 1, 1887,[99] the court is directed to appoint an auditor who shall give notice of time and place of meeting, hear the parties and make a report, suggesting a form of decree, adjusting liabilities for all indebtedness, and the value of property held or acquired by each. The court shall direct the amounts to be paid by one to the other, and the time and mode of payment, and if necessary, to a proper and just adjustment of the same, may order and direct a special tax to be levied upon the property so annexed to or detached from the said borough for the payment of so much of the indebtedness as may be awarded against it, and direct how the same shall be assessed and collected. But this legislation applies only where the change was the result of proceedings in court, and not to a case of annexation by a borough council unappealed from.[100]

If a new district is created by the change it has a right to the share of the value of the real estate that remains with the old district, and the old district has a right to a share of the real estate taken by the new.[101] In adjusting the rights of the sections, what the property would bring in the market is not always the proper measure of value. A court house, church or school house is worth more than would be paid for it for other purposes. The school houses must be estimated as such, if they are worth more as such, than for any other purposes.[102]

In making division the proper ratio of distribution is the assessed values of the taxable properties in the respective districts.[103] But the State appropriation should be divided ac-

99 Act June 1, 1887, P. L. 285, 1 P. & L. Dig. 383.

100 Wilkins Twp. S. D., 18 Pa. Sup. 293.

101 *In re* Division of Indebtedness of Darby and Collingdale S. D., 19 Pa. C. C. 314; 6 Del. 429; 10 York 60.

102 *In re* S. Dist. of Darby and Sharon Hill, 2 D. R. 485; 5 Del. 214.

103 Act June 24, 1895, P. L. 259, Sec. 1, 1 P. & L. Dig. 161.

cording to the ratio of the taxables.[104] In forming the values, the auditor should not take the sum of all testified to, and divide the same by the number of witnesses. He should decide the case by the weight of the evidence.[105] An appeal may be had from the decree entered, but it will be treated as a *certiorari,* and only the regularity of the proceedings will be considered by the appellate court.[106]

This legislation provides for the adjustment of indebtedness in those cases only in which the court of quarter sessions has acquired jurisdiction to enter a decree changing the limits of a borough. The jurisdiction is not limited to those cases in which the proceeding has had its origin in a petition directly to the court, but includes those cases in which the proceeding has been instituted by petition to, and an ordinance of, the borough council, and of which the court has acquired jurisdiction by appeal.[107]

Adjustment Where any District is Enlarged.

47. By subsequent legislation,[108] further provision is made for adjustment when a portion of the district is annexed to any other district. The court of quarter sessions is directed to determine on hearing whether an undue proportion of the real estate and school houses belonging to the old district is within the bounds of the enlarged district, and, if so, how much money shall be paid therefor to the old district, and if any money be on hand, or debt unpaid, or any tax or other claims be uncollected, after the settlement of all such accounts prior thereto, the said court shall divide said money or debt amongst the districts in such proportions as shall be just making the proper orders as to uncollected tax or other claims. A judgment shall

104 *In re* School Dist. of Darby and Sharon Hill, *supra; In re* School District of Luzerne Borough, 3 Kulp 162. The same basis was followed in Darby Borough S. D.'s Appeal, 160 Pa. 79.

105 *In re* S. D.'s of Darby and Sharon Hill, *supra.*

106 Darby Borough S. D.'s Appeal, 160 Pa. 79.

107 Wilkins Twp. S. D., 18 Pa. Sup. 293.

108 Act April 3, 1903, P. L. 142.

be entered for any sum so decreed, which shall be subject to execution as provided in the general school law of 1854.

Adjustment Where Township is Merged into One or More Boroughs and Ceases to Exist.

48. By the Act of June 24, 1895,[109] provision is made for adjustment in case a new district is formed by the erection of a borough out of any township which ceases to exist, and in case any township shall be merged into one borough, or into more than one borough.

When merged into one borough, the school district of the borough shall succeed to all the rights and liabilities of the school district of the township, and shall be substituted for it in all actions pending or brought in behalf of or against it.[110]

Where the township is merged into more than one borough, the court of common pleas of the proper county, sitting in equity, shall adjust and apportion the indebtedness, on hearing, and determine the proportionate share of the property to which each district is entitled. In so doing reference shall be had to the time of the formation of the new district, and to the debts existing at the end of the current school year in which it was formed, whether since paid or not, and also to the amounts of school taxes then unexpended, and the adjustment shall be based upon the assessment for the year in which the new district was formed. Pending actions for tort shall not be included unless reduced to judgment in the meantime.

Three months' public notice shall be given of the time for presenting claims. Except pending actions, claims founded on tort, and bonded debt, all claims will be debarred if not offered. The notice shall be given in two newspapers of the proper county, but if one only be published, then in that, and in such other manner as the court may direct.

The court may make proper orders as to the collection and

109 Act June 24, 1895, P. L. 259, 3 P. & L. Dig. 161.
110 Act June 24, 1895, P. L. 259, Sec. 9, 3 P. & L. Dig. 164.

payment of the shares of the indebtedness due by the districts, ordering the levy of a tax, if necessary. If the court sees fit, a receiver may be appointed to collect moneys due, and pay over the same to the creditors.

The school district of the borough shall be credited with the share of such indebtedness due to the school district of the township and also with its share of any unappropriated balance in the treasury of the school district of the township at the end of the current school year, during which the district was formed, and the court shall have power to equitably adjust and apportion the same. The costs of the proceeding shall be paid by the school districts in such proportions as the court shall adjudge. Orders of the court are to be enforced by attachment.

This legislation does not repeal any existing Act of Assembly applicable to the same subject matter.[111]

Classification of School Districts.

49. There is no greater constitutional objection to the classification of school districts than of cities. Both are included in the same clause of the Constitution prohibitory of local or special legislation, and there is no argument against classification of one that is not equally forcible against the other. So legislation providing for the adjustment of indebtedness in certain cases is not unconstitutional.[112] Or making special regulations where the district is coterminus with a city of the third class.[113] The Legislature may therefore make special provision for school districts in townships of the first class or of the second class. Such is found in the power given school boards, in townships of the first class to organize mechanical art schools by the act of 1901.[114]

111 Section 10.

112 Sugar Notch Borough, 192 Pa. 349—Act of June 1, 1887, P. L. 285, 1 P. & L. Dig. 383.

113 Com. *vs.* Gilligan, 195 Pa. 504; Com. *vs.* Guthrie, 203 Pa. 209.

114 Act Feb. 25, 1901, P. L. 10, 4 P. & L. Dig. 861.

CHAPTER VI.

ELECTION DISTRICTS.

SECTION
50. Formation.
51. Petition.
52. Review.
53. Effect of division.
54. Consolidation of election districts.
55. Change of polling places.

Formation.

50. The 11th section of article VIII [1] of the Constitution of Pennsylvania ordains that "Townships, and wards of cities or boroughs, shall form or be divided in election districts of compact and contiguous territory in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over 100,000 inhabitants shall be divided by the courts of quarter sessions having jurisdiction therein, whenever, at the next preceding election, more than 250 votes shall have been polled therein; and other election districts, whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby." This clause of the Constitution abrogated previous laws respecting the forming of election districts.[2]

The Legislature cannot deprive the court of quarter sessions of this power. Hence that court may, if it chooses, ignore the prescription of the Act of May 18, 1876,[3] which commands it to confirm the report of appointed commissioners unless ex-

1 Sec. 11, Art. 8, Constitution of Pa., 1 P. & L. Dig. 78.
2 *In re* District Attorney of Dauphin County, 11 Phila. 645.
3 Act May 18, 1876, P. L. 178, 1 P. & L. Dig. 1766.

ceptions are filed thereto within a given time. It may, despite that act, divide a township into election districts without appointing commissioners, on an unsworn petition, which does not aver that the petitioners, or any twenty of them, are freeholders, and without any testimony taken for the information of the court.[4] This case does not say that the court may not inform itself by the report of the commissioners if it so desires.[5] But this constitutional provision is not violated by the Act May 14, 1874,[7] prescribing a way in which the court may divide boroughs into wards.[8]

A school district constitutes in itself an election district for school purposes. So residents of a part of a township, annexed to a borough for school purposes, are entitled to vote for school directors in the latter.[9]

By the Act of May 18, 1876,[10] amended in the second section by the Act of June 24, 1885,[11] it is provided that "the several courts of quarter sessions of this Commonwealth shall have authority, within their respective counties, to divide townships into two or more election districts, so as to suit the convenience of the inhabitants thereof." One division does not exhaust the power of the court of quarter sessions. Having already divided a township into two divisions by a line running eastward and westward, that court may, with a view to a re-arrangement of election districts, divide the entire township by a line running

4 *In re* Township of Bern, 115 Pa. 615.

5 West Brunswick Election District, 5 D. R. 598. *In re* New Garden Election District, 3 D. R. 375. In North Chester Election District, 3 Pa. C. C. 247, it was said that the Legislature had the power to regulate the manner and fix the conditions under which the jurisdiction of the court shall be exercised. Hence, the court held that a petition, with a *jurat,* signed by twenty electors, was necessary.

7 Act May 14, 1874, P. L. 159, 1 P. & L. Dig. 385.

8 *In re* Eighth Ward of Norristown, 19 W. N. C. 510, 3 Pa. C. C. 475, 3 Montg. 89.

9 Colvin *vs.* Beaver, 94 Pa. 388.

10 Act May 18, 1876, P. L. 178, 1 P. & L. Dig. 1766.

11 Act June 24, 1885, P. L. 149, 1 P. & L. Dig. 1767.

north and south, containing a portion of the former north district with the residue of the former south district into an eastern district, and the residue of the former north district with the residue of the former south district into a western district.[12] Such re-arrangement is not an annexation of one election district to another, within the meaning of the 5th section of the Act of May 18, 1876, and it is not therefore necessary to submit the re-arrangement to a vote of the qualified electors.[13] Not only may a township be divided, but a previously existing election district forming a fragment of such township may be divided so that from part of such district, a new district may be erected.[14] Although the court of quarter sessions may, insisting on its constitutional jurisdiction, refuse to conform to the Acts of May 18, 1876, and of June 24, 1885,[15] it doubtless may, if it chooses, conform to them.

Petition.

51. The jurisdiction of the court of quarter sessions is to be invoked by petition.[16] This must be an application by at least twenty electors of the township or election district, whose division is sought.[17] If, however, less than this number of qualified persons are discovered to have signed the petition, after the appointment of commissioners, but before they have reported, the court may, on an affidavit of one of the petitioners, that such a mistake has been made, and praying for leave to amend the petition by adding additional signatures, permit the amendment. Nor will a re-appointment of the commissioners be nec-

12 *In re* Boggs Township, 112 Pa. 145.

13 *In re* Division of Nescopeck Twp., 1 Kulp 130.

14 *In re* Election District in Huntingdon Twp., 3 Kulp 367.

15 *In re* Twp. of Bern, 115 Pa. 615; Cf. Shamokin Borough Division, 6 Pa. C. C. 573. *In re* Boggs Twp., 112 Pa. 145, the applicability of the Act of May 18, 1876, is tacitly assumed.

16 *In re* Township of Bern, 115 Pa. 615; North Chester Election District, 3 Pa. C. C. 247.

17 Scranton Election District, 1 Lack. L. Rec. 495; *In re* Thirtieth Election Division, 41 Leg. Int. 16.

essary after the amendment.[18] Of the petitioners twenty must be electors, but they need not be freeholders.[19] Hence the petition need not aver that they are freeholders. But it should aver that they are electors.[20] An affidavit of the truth of the facts set forth in the petition should accompany it.[21]

It should not specify the number of districts to be produced by the division. The commissioners and court must have an untrammeled discretion in this respect.[22] If the petition is defective, the court may permit an amended one to be filed.[23] On the presentation of the petition to the court at a regular term[24] the court shall appoint three impartial men to inquire into the propriety of granting the prayer made. It is the duty of these commissioners, or of any two[25] of them, to make a report, accompanying which shall be a plot or draft of the proposed new election district or districts, if the same cannot be fully designated by natural lines or boundaries.[26] They may prepare the plot with their own hands, may employ another to make it, or may adopt one prepared by counsel or the parties in interest.[27]

On the return of the report of the commissioners, which must take place at the term of court next succeeding that at which

18 *In re* Election District in Huntingdon Township, 3 Kulp 367, La Porte Twp. Polling Place, 19 Pa. C. C. 497.

19 Act June 24, 1885, P. L. 149, 1 P. & L. Dig. 1767.

20 North Chester Election District, 3 Pa. C. C. 247.

21 North Chester Election District, 3 Pa. C. C. 247; *In re* Thirtieth Election District, 41 Leg. Int. 16, See LaPorte Twp. Polling Place, 19 Pa. C. C. 497.

22 North Chester Election Dist., 3 Pa. C. C. 247. In *In re* Boggs Twp., 112 Pa. 145, the petition asked for an inquiry into the propriety of dividing the township into two or more election districts. No remarks are made on this point.

23 North Chester Election Dist., 3 Pa. C. C. 247.

24 Scranton Election Dist, 1 Lack. Leg. Rec. 495—this proceeding was under the Act of 1876.

25 *In re* Boggs Twp., 112 Pa. 145.

26 Act June 24, 1885, P. L. 149, 1 P. & L. Dig. 1767.

27 North Chester Election Dist., 3 Pa. C. C. 247.

they were appointed,[28] and which must be accompanied by the opinion of the commissioners as to the propriety of the division [29] the report is to be confirmed *nisi* by the court, and this conditional confirmation will become absolute, unless exceptions are filed to it not later than the third day of the next term of court.[30] These exceptions may be based on the absence of the affidavit to the petition, or upon a failure to aver that the petitioners are at least twenty electors; on its improper specification of the number of districts to be produced by the division; or on the failure of the commissioners to report a plot, or to the fact that the reported one was not prepared by themselves; [31] on the supposed excess of authority assumed by the commissioners in subdividing two contiguous election districts, and coupling each of the sub-divisions of one with the adjacent subdivisions of the other, thus forming new divisions.[32] The exception, if founded on matters of fact, must be disposed of on evidence, as the court shall deem best. If the court finds the petition defective, it may give leave to the petitioners to file an amended one, within a limited time, and direct that if, within that time, such amended petition be filed, it shall be committed to the same commissioners, who shall hear the parties and report *de novo*.[33] If it is satisfied that a division ought to be made, it can so decree, though the proceedings be irregular, since the power to divide is vested in the court, by section eleven of article 8 of the Constitution.[34]

The report of the commissioners favoring the division is entitled to great weight, and should not be overruled, unless the

28 Act June 24, 1885, P. L. 149, 1 P. & L. Dig. 1767, Scranton Election Dist., 1 Lack. Leg. Rec. 495.

29 Act June 24, 1885, P. L. 149, 1 P. & L. Dig. 1767.

30 Act May 18, 1876, P. L. 178, Sec. 3, 1 P. & L. Dig. 1767.

31 North Chest. El. Dist., 3 Pa. C. C. 247; LaPorte Twp. Polling Place, 19 Pa. C. C. 497; Shamokin Boro. Div., 6 Pa. C. C. 573.

32 *In re* Boggs Twp., 112 Pa. 145.

33 North Chester Elec. Dist., 3 Pa. C. C. 247.

34 LaPorte Twp. Polling Place, 19 Pa. C. C. 497.

court is clearly satisfied that it is erroneous.[35] But if the court is not satisfied that a new district is necessary to prevent difficulty in receiving the vote, it will refuse to so decree.[36] So if not satisfied with the propriety and a majority of the electors are opposed, it will refuse a division.[37] The Act of 1876, with its amendment of 1885, provides a complete method for division. Hence, on a favorable report of the commissioners, the question will not be submitted to a vote of the people.[38]

Review.

52. If desired, a review may be had, if, in the opinion of the court, it is necessary to secure a fair adjudication; but the review must be asked for before the final confirmation of the commissioners' report.[39] The review is not demandable of right, nor can the court award it of its own motion. That there are no exceptions to the report of the commissioners, is no obstacle to granting it. A request for a review would probably not be too late, although, in support of exceptions, testimony had been taken, and the confirmation of the report delayed several terms. On the other hand, there is no necessity to refuse the request for a review until the testimony has been taken. The review may be granted as well when the commissioners have reported favorably to a division of the township for electoral purposes as when they have reported contrariwise. The whole question of the propriety of the division, and not merely the exceptions to the report of the commissioners, is to be referred to and considered by the reviewers. But when there are no exceptions to the report of the commissioners, the petition for a review should, on its face, show reasons for such review, or proofs, informing the court of the necessity for such review,

35 *In re* Elec. Dist. in Huntingdon Twp., 3 Kulp 367.
36 New Garden Election District, 3 D. R. 375.
37 West Brunswick Election District, 5 D. R. 598.
38 *In re* Division of Nescopeck Twp., 1 Kulp 130.
39 Sec. 3, Act May 18, 1876, P. L. 178, 1 P. & L. Dig. 1767. A review was refused in *In re* Boggs Twp., 112 Pa. 145.

should accompany it.[40] When the reports of the commissioners and of the reviewers are conflicting, the court is not bound to confirm the later of the two.[41]

To the report of the reviewers exceptions may be filed. If deemed insufficient by the court, they will be overruled.[42] And the report opposing a division may be confirmed, and that of the commissioners, favoring a division, set aside.[43] Considerations which may influence the court in refusing a division are: The advantages of a single central voting place in facilitating the discussion of township affairs; the opinion of the reviewers; the smallness of the number of voters in the existing district, and of those of them who are accustomed to vote; the centrality of the present polling place, the convenience with which it is reached from all parts of the township; the earnest opposition of a very large number of the inhabitants; the recantation of many who originally petitioned for the division.[44] There is no review in the Supreme Court on the merits. The question of jurisdiction will be there considered.[45]

Effect of Division.

53. By the fourth section of the Act of 1876,[46] the court of quarter sessions is directed, when the report is confirmed to decree and establish the place for holding the elections in the new election district, and to appoint the election board, for holding elections in the new district, until the election board shall be elected for the same, as provided for by law.[47] Under the statute prior to 1874, it was held that the erection of the new

40 *In re* Division of Jackson Township, 2 Kulp 340.

41 *In re* Division of Jackson Township, 2 Kulp 340.

42 *In re* Division of Jackson Township, 2 Kulp 340, an exception deemed ineffectual was that there had been no exceptions to the report of the commissioners.

43 *In re* Division of Jackson Township, 3 Kulp 524.

44 *In re* Division of Jackson Township, 3 Kulp 524.

45 *In re* Boggs Township, 112 Pa. 145.

46 Act May 18, 1876, P. L. 178, 1 P. & L. Dig. 1767.

47 *In re* District Attorney, 11 Phila. 645.

district, took away the powers of the election officers.[48] In a proceeding under the Act of January 30, 1874,[49] now amended by the Act of May 18, 1893,[50] which gave the court of common pleas power to appoint in such case, it was said that when a new district was created entirely from an old district, that the old election officers should continue to act in the division bearing the old designation, and that new officers must be appointed for the new district.[51] There is no doubt that the jurisdiction to appoint now rests in the court of quarter sessions by virtue of section 11 of article 8 of the Constitution, and of the Act of May 18, 1876. The provision in the Act of 1874, giving jurisdiction to the court of common pleas was amended by the Act of May 18, 1893, by striking out all reference to the vacancies in election offices existing by reason of the formation of new districts.

Consolidation of Election Districts.

54. By virtue of the Act of 1895, the court of quarter sessions of the county, in which the election districts are situated, is given jurisdiction, upon a petition of a majority of the qualified electors voting at the last general election in each of the two or more adjoining election districts, to consolidate the same. When this is done the court is directed to appoint the necessary election officers, and to fix the place for holding the first election thereafter in the consolidated district.[52] Section 5 of the Act of May 18, 1876,[53] had previously fixed a method of consolidation by proceedings similar to those required for the division of the district, with the additional provision that the report of the commissioners should be submitted to a popular vote at a special election.

48 Penn Dist. Election Case, Brightly E. C. 517.
49 Act Jan. 30, 1874, P. L. 31, Sec. 6, 1 P. & L. Dig. 1721n.
50 Act May 18, 1893, P. L. 101, Sec. 1, 1 P. & L. Dig. 1721.
51 Doulan's Case, 1 W. N. C. 12. See Gibbons *vs.* Sheppard, 2 Brewst. 1.
52 Act June 26, 1895, P. L. 377, 3 P. & L. Dig. 274.
53 Act May 18, 1876, P. L. 178, Sec. 5, 1 P. & L. Dig. 1768.

Change of Polling Places in Election Districts.

55. Provision was made by the Act of May 18, 1893,[54] for the change of polling places. By virtue of it the court could change the same to a place more centrally located or more desirable.[55] A different method was provided by the Act of 1903,[56] which repealed all acts, or parts of acts, general or local, inconsistent with its provisions. It made such action lawful by the county commissioners for any reason they deem proper upon petition of at least ten qualified electors of any township election division made at least three weeks prior to any election. The commissioners are given discretion to direct an election to settle the question as to where the said polling place shall be located.

54 Act May 18, 1893, P. L. 106, 1 P. & L. Dig. 1764. See also Act of July 2, 1839, P. L. 519, 1 P. & L. Dig. 1764, as modified by the Act of April 20, 1854, P. L. 419, as to the change in polling places for township elections. As to the effect of the Act of 1893, see Porter Twp. Election Case, 5 Pa. C. C. 217. As to change because of unfitness, see Act of April 17, 1866, P. L. 107, 1 P. & L. Dig. 1765, as modified by the Act of April 15, 1867, P. L. 86, 1 P. & L. Dig. 1765. As to change because of malignant disease, see Act of July 2, 1839, P. L. 519, 1 P. & L. Dig. 1765. Or from other unavoidable causes, see Act June 13, 1883, P. L. 124, Sec. 1, 1 P. & L. Dig. 1766

55 Polling Place of the Second Division of the Seventh Ward, 8 D. R 208; *In re* Polling Place, 9 Kulp 533.

56 Act April 14, 1903, P. L. 187.

CHAPTER VII.

POOR DISTRICTS.

SECTION
56. Overseers of poor.
57. County poor districts.
58. Poor houses.
59. Expenditures.
60. Completion of poor houses.
61. Boards of Directors.

Overseers of the Poor.

56. The Act of March 9, 1771,[1] provided for the election of two overseers of the poor in every borough and township within the Commonwealth. By the Act of April 15, 1834,[2] this office was abolished, and the powers imposed were transferred to the supervisors. This legislation was again repealed, except as to certain counties by the Act of February 28, 1835,[3] and overseers of the poor were again provided for. Similar officers are provided for in the general Act of June 13, 1836.[4] The Act of June 4, 1883,[5] amended the Act of June 27, 1881,[6] and regulated the election of such overseers. This legislation was in turn amended by the Act of April 20, 1903,[7] which provided for the election of two overseers, of which one could be a female. It did not apply to counties having a county poor house, managed by directors, elected for that purpose, or by commissioners of such county, nor to districts having poor houses, managed by directors of the poor.

1 Act March 9, 1771, 1 Sm. L. 332.
2 Act April 15, 1834, P. L. 554, 2 P. & L. Dig. 4698.
3 Act Feb. 28, 1835, P. L. 45, 2 P. & L. Dig. 4698.
4 Act June 13, 1836, P. L. 541.
5 Act June 4, 1883, P. L. 66, Sec. 1, 2 P. & L. Dig. 3526.
6 Act June 27, 1881, Sec. 1, P. L. 120.
7 Act April 20, 1903, P. L. 246.

County Poor Districts.

57. By local legislation prior to the Constitution of 1874, special provision was made for the erection of poor houses for an entire county, and for the management of the same by a board of poor directors. New legislation was enacted June 4, 1879,[8] which was intended to establish a general system for the relief and employment of the destitute poor throughout the State, its general plan or purpose being that each county shall be or become a single poor district.[9] The constitutionality of this legislation was at first doubted.[10] But has now been approved.[11]

Poor Houses.

58. The question of the purchase of land for the erection of a poor house is to be submitted to the electors.[12] The form of the ballot to be used is set forth in section 4 of the same act.[13] A defect in the form of these ballots will not authorize the interference of a court in equity, where the vote was in favor of the poor house, as a result of which the land has been purchased, contracts made, and liabilities incurred.[14] Before the commissioners shall submit the question to the people a petition shall be presented to the court of quarter sessions by a majority of the overseers of the poor in office in said county at the time of the signing of the petition, whereupon the court will order an election to be held at the time for holding township elections in February, at the general election in November, or at a special election ordered by the said court for the purpose.

8 Act June 4, 1879, P. L. 78, 2 P. & L. Dig. 3510.

9 Jenks Township Poor District *vs.* Sheffield Township Poor District, 135 Pa. 400.

10 Jenks Township Poor District *vs.* Sheffield Township Poor District, *supra.*

11 Rose *vs.* Beaver County, 204 Pa. 372, affirming 20 Pa. Sup. 110. Commonwealth *vs.* Summerville, 204 Pa. 300.

12 Act June 4, 1879, P. L. 78, Sec. 3, 2 P. & L. Dig. 3511.

13 The proper form is found in Elkin *vs.* Potter County Poor District, 25 Pa. C. C. 531, s. c. 4 Dauphin County 213.

14 Elkin *vs.* Potter County Poor District, *supra.*

Such elections shall be conducted by the regular election officers, according to the laws governing municipal and general elections within the Commonwealth. Sixty days' notice of such election shall be given by the sheriff of the county by publication in two newspapers published within said county.[15]

Expenditures.

59. To carry out the purpose of the Act of 1879, after voting in favor of a poor house, county commissioners are authorized to borrow money and issue bonds therefor, and negotiate the same for the purpose of raising money necessary to carry out these provisions. Such bonds shall not be for less than $100.00. nor bear interest at a higher rate than 6 per cent. They shall be payable by the said poor district, and shall not be sold below par; they are only subject to taxation for State purposes.[16]

Completion of Poor Houses.

60. When the poor house is completed, personal notice of the same must be given to each of the overseers, and also by publication in at least one newspaper, published in said county.[17] And the overseers shall remove the poor persons, entitled to relief to the said poor house, and deliver them to the custody of the Director or Superintendent.[18] After the delivery of the paupers, all claims and demands in favor of or against the several poor districts of said county shall be fully settled and adjusted by the overseers thereof, and after such claims and demands are so settled and adjusted, all moneys from whatever source derived, remaining in the hands of overseers, as well as all uncollected taxes levied for the support of the poor of such district, shall be paid over to the supervisors of the highways of

15 Act June 19, 1897, P. L. 175, 3 P. & L. Dig. 465.
16 Act June 4, 1879, P. L. 78, Sec. 5, 2 P. & L. Dig. 3511.
17 Act June 4, 1879, P. L. 78, Sec. 9, 2 P. & L. Dig. 3512.
18 Act June 4, 1879, Sec. 10, 2 P. & L. Dig. 3512.

said county, to be by them applied as road tax is applied by law in said county.[19]

Boards of Directors.

61. The Act of May 18, 1878,[20] provided for the election of five directors at the general election for a term of two years, in which no elector should vote for more than three candidates. Such directors shall take their seats on the first Monday in January after said election, or, if appointed by the court, within ten days after due notice. Before any director enters upon the duties of his office he shall take an oath or affirmation, as prescribed by the first section of the 7th article of the Constitution. At the first regular meeting the board of directors shall divide the county into five districts, as nearly equal as possible, assigning one of their number to each district, who shall have general oversight of such cases as should have come under the care of the county.[21] This act applied only where a county home had been provided under the general laws.[22] In case of vacancies in the office of directors, the court of quarter sessions shall appoint, until the next general election.[23] At such election a director shall be chosen for the unexpired term.[24]

19 Act March 5, 1903, P. L. 9.
20 Act May 18, 1878, P. L. 63, Sec. 1, 2 P. & L. Dig. 3521.
21 Act May 18, 1878, P. L. 63, Sec. 11, 2 P. & L. Dig. 3522.
22 Act May 18, 1878, P. L. 63, Sec. 1, 2 P. & L. Dig. 3521.
23 Act May 8, 1876, P. L. 149, Sec. 12, 2 P. & L. Dig. 3525.
24 Act June 24, 1885, P. L. 163, 2 P. & L. Dig. 3525.

CHAPTER VIII.

TOWNSHIP OFFICERS—ASSESSORS.

SECTION
62. Township officers.
63. Filling of vacancies.
64. Assessors.
65. Assistant assessors.
66. Oath.
67. Duties.
68. Manner and place of assessment.
69. Where assessed.
70. Notice of assessment.
71. Appeals.
72. Reassessments.
73. Penalty for neglect.
74. Other duties.
75. Vacancy.
76. Compensation.
77. School assessors.

Township Officers.

62. In townships of the first class the officers designated by law are commissioners, a treasurer, an assessor, auditors and a town clerk. All are to be chosen by a popular vote on the third Tuesday of February in each year when a vacancy exists, except the town clerk, who is selected by the board of commissioners. The official term of the above named officers shall commence on the first Monday in March and continue until the election and qualification of their successors.[1]

In townships of the second class the electors shall choose an assessor, two supervisors,[2] and a township treasurer, a tax collector and a town clerk, and three township auditors.[3]

The election shall be held on the third Tuesday of February

1 Act April 28, 1899, P. L. 104, 4 P. & L. Dig. 914.

2 In the Counties of Erie, Franklin, Wayne, Venango, Warren, Susquehanna, Bradford, Tioga and Luzerne, three shall be elected.

3 Act April 15, 1834, P. L. 537, Sec. 81, and the Supplement of February 28, 1835, P. L. 45, Sec. 8, 2 P. & L. Dig. 4693-4.

in each year when a vacancy exists,[4] and the terms of the new officers shall commence on the first Monday of March.[5]

The election shall be held between the hours and by the persons appointed to hold the election of inspectors and assessors.[6] Only electors of the township shall be eligible to election.[7] When chosen, the officer is bound to serve, though he cannot be compelled to act for more than three years in twelve. If he refuses to assume the duties of his office, after being duly notified of his election, he shall forfeit and pay the sum of twenty dollars.[8] Every person elected or appointed to any township office shall, before entering upon his duties, take and subscribe to an oath or affirmation, before some person having authority to administer oaths, to support the Constitution of the United States and that of the Commonwealth and perform the duties of his office with fidelity; a copy of which oath or affirmation certified by the person by whom the same shall be administered, shall within ten days thereafter be filed with the town clerk, if there be one in such township.[9]

Filling of Vacancies.

63. The Act of 1834 provided generally for the filling of vacancies in township offices, as follows:

"If the electors of any township shall fail to choose any township officer, other than assessor, assistant assessor or constable, or if any person elected to such office, shall neglect or refuse to serve therein, or if any vacancy shall happen in such office, by death or otherwise, it shall be lawful for the court of quarter sessions of the proper county, to appoint a suitable person to fill such office until the next annual election."[10] This

4 Act March 10, 1875, P. L. 6, Sec. 1, 2 P. & L. Dig. 4694.
5 Act June 4, 1879, P. L. 94, Sec. 1, 2 P. & L. Dig. 4695.
6 Act July 2, 1839, P. L. 519, Sec. 53, 2 P. & L. Dig. 4695.
7 Act April 15, 1834, P. L. 537, Sec. 84, 2 P. & L. Dig. 4695.
8 Act April 15, 1834, P. L. 537, Sec. 85, 2 P. & L. Dig. 4696.
9 Act April 15, 1834, P. L. 537, Sec. 86, 2 P. & L. Dig. 4696.
10 Act April 15, 1834, P. L. 537, Sec. 83, 2 P. & L. Dig. 4696.

legislation is subject to some modification by subsequent enactments, which will be noticed in the discussion of the separate offices.

Township Assessors.

64. In townships of the first class the electors are directed to select a township assessor in every third year, who shall hold office for a period of three years.[11] The duties of this office are the same as those prescribed for assessors in townships of the second class. By the Act of 1903 the qualified electors are directed to choose two assistant assessors in every year in which the triennial assessment of property for taxation is made. The assessor and his assistants shall make the triennial assessment subject to revision of the county commissioners, and to appeal by taxable persons. The duties of the assistants are confined to the valuation of property, and do not include the work of the election assessor. Their compensation is fixed at five dollars *per diem* for each day actually employed in the duties of their office.[12]

In townships of the second class a properly qualified person is to be elected triennially.[13] His duties shall terminate on the day after the holding of the general elections at which time the duties of the assessor elected at the preceding township election shall commence.[14]

Assistant Assessors.

65. By the Act of 1834,[15] two assistant assessors were directed to be elected annually. This office no longer exists by virtue of that legislation. The Act of February 14, 1889,[16]

11 Act April 28, 1899, P. L. 104, Sec. 4, 4 P. & L. Dig. 914.

12 Act April 23, 1903, P. L. 284.

13 Act Feb. 14, 1889, P. L. 7, Sec. 1, 2 P. & L. Dig. 4687.

14 Act March 4, 1842, P. L. 43, Sec. 66, 2 P. & L. Dig. 4687. QUERY.—Is this Act repealed by the Act of March 10, 1875, P. L. 6, taken in connection with the Act of June 4, 1879, P. L. 94, which Acts direct that the terms of township officers shall begin on the first Monday in March?

15 Act April 15, 1834, P. L. 537, Sec. 81, 2 P. & L. Dig. 4693.

16 Act Feb. 14, 1889, P. L. 7, 2 P. & L. Dig. 4687.

repealed that provision.[17] This legislation is not unconstitutional as local or special.[18] It was amended on May 8, 1889,[19] so as to impose also upon the assessors, elected in pursuance of it, duties relating to elections as well as to the valuation of property. By the Act of 1891,[20] assistant assessors were provided for when the township contained more than one election district. In such case an assistant assessor shall be elected annually who shall perform the duties relating to elections, required to be performed by assessors in townships having but one election district. It is only under such circumstances that assistants shall be elected.[21]

Oath.

66. The Act of 1834,[22] directed that an oath of office should be taken and filed with the town clerk as already noticed. In the case of the assessor or his assistant, it is made his duty to produce to the commissioners of the county, within twenty days after his election or appointment a copy of the oath or affirmation taken and subscribed by him and attested by the person by whom the same was administered, which shall be filed by the commissioners in their office.[23]

Duties.

67. It is the duty of the triennial assessor to make a valuation of the property within the township for the purpose of taxation. "Commissioners of the several counties of this Com-

17 Asst. Assessors No. 1, 3 D. R. 252; Asst. Assessors No. 2, 3 D. R. 254; 24 Pitts. L. J. 312-313.

18 Com. *vs.* Green, 7 Kulp 151, s. c. 5 Del. Co. 342; Com. *vs.* Coleman, 9 Pa. C. C. 90.

19 Act May 8, 1889, P. L. 133, 2 P. & L. Dig. 4687.

20 Act June 16, 1891, P. L. 298, 2 P. & L. Dig. 4688.

21 Asst. Assessors No. 1, 3 D. R. 252; Asst. Assessors No. 2, 3 D. R. 254; 24 Pitts. L. J. 312-313; Asst. Assessors' Case, 1 D. R. 142; Assessors' Case, 9 Lanc. L. R. 190; Com. *vs.* Cornelius, 15 Pa. C. C. 73.

22 Act April 15, 1834, P. L. 537, Sec. 86, 2 P. & L. Dig. 4696.

23 Act April 15, 1834, P. L. 537, Sec. 88, 2 P. & L. Dig. 4690.

monwealth shall issue their precepts to make the triennial assessment of property to the assessors of their respective townships . . . . on or before the second Monday of September, and said assessors are hereby required to complete the said assessment, and make their return thereof not later than the 31st day of December, A. D. one thousand nine hundred and three and triennially thereafter.[24] The precept is to be given to the duly elected assessor, and no vacancy exists until such has been tendered to and refused by him.[25]

Manner and Place of Assessment.

68. It is beyond the scope of this work to discuss the property which is taxable in the respective townships. The rates or assessments laid for township purposes are levied upon the basis of the last adjusted valuation, made for the purpose of regulating the county rates and levies.[26]

The assessment is void if not made by the proper officer.[27] Or, if not made as required by law.[28] But the assessment will not be stricken off because copied from the work of a predecessor.[29] All assessable property should be included, but if there be an omission the assessor must add it, and the county commissioners, acting as a board of revision, have no power to so do.[30] Property returned as exempt may be so added.[31] Tracts are to be assessed separately, and several can-

24 Act April 23, 1903, P. L. 292. NOTE.—The precept was regulated prior to this legislation by the Act of May 15, 1841, P. L. 393, Sec. 6, 2 P. & L. Dig. 4581, Act April 22, 1846, P. L. 486, Sec. 16, 2 P. & L. Dig. 4581, Act April 20, 1897, P. L. 28, 3 P. & L. Dig. 599. For the effect of the latter upon local acts, see Clinton County Triennial Assessments, 20 Pa. C. C. 85, s. c. 6 D. R. 678.

25 Commonwealth *vs.* Gregory, 6 Luz. L. R. 127.

26 Act April 15, 1834, P. L. 509, Sec. 27, 2 P. & L. Dig. 4596.

27 Mattes *vs.* Ruth, 1 Lack. L. Rec. 311.

28 Laubach *vs.* Dodson, 1 Kulp 83.

29 Von Storch *vs.* City, 3 Pa. C. C. 567.

30 Ridgway *vs.* Bridgeport, 5 Montg. Co. 73.

31 Moore *vs.* Taylor, 147 Pa. 481.

not be included as a whole, and the taxes for all charged against it.[32] A full discussion of the duties of officers in the valuation of property is found in Delaware and Hudson Canal Co. *vs.* Walsh, 11 Phila. 587.[33]

Where Assessed.

69. The property is ordinarily to be assessed in the township in which it lies. If divided by a county line, the whole tract is assessable in the county in which the mansion house is situate.[34] The same provision was made by the Legislature where the tract was divided by a township line, but as to such it is unconstitutional, because of defect of title.[35] The Act of July 11, 1842,[36] provided for the latter class of cases, and made the property assessable in the township in which the mansion house is situated.[37] But this Act of 1842 has also been held unconstitutional in Commonwealth *vs.* Wyoming County Commissioners.[38] The provisions of the Act of 1842 did not apply to lands lying in different townships, the mansion house of which is in an incorporated borough or city.[39] Where the mansion house is divided by a line between two townships, or between a township and a borough, the owner of the land may choose his place of residence in either of the townships or the borough, by written notice of his election, which shall be binding on the present and future owners. In case of neglect to so notify, the person occupying the mansion shall be regarded as residing

32 Cunningham *vs.* White, 2 D. R. 531.

33 Delaware and Hudson Canal Co. *vs.* Walsh, 11 Phila. 587.

34 Act June 1, 1883, P. L. 51, Sec. 1, 2 P. & L. Dig. 4648.

35 La Plume Borough *vs.* Gardner, 148 Pa. 192; Arthur *vs.* Polk Borough School District, 164 Pa. 410; McClintock *vs.* Remmel, 4 Kulp 327; Cassel's Appeal, 8 Lanc. L. R. 260; Rich's Appeal, 8 Lanc. L. R. 264.

36 Act July 11, 1842, P. L. 321, Sec. 59, 2 P. & L. Dig. 4648.

37 Bausman *vs.* Lanc. County, 50 Pa. 208; Nippenose *vs.* Bastress Township, 7 W. N. C. 245; Bennethum *vs.* Eckert, 7 W. N. C. 373; Stahl's Assessment, 1 Lanc. L. R. 329; Commonwealth *vs.* Wheelock, 13 Pa. Sup. 282.

38 Commonwealth *vs.* Wyoming County Commissioners, 22 Pa. C. C. 418.

39 Act April 25, 1850, P. L. 569, Sec. 15, 2 P. & L. Dig. 4648.

wholly within the township.[40] Under such circumstances, if the owner elects the township for his residence, his farm is not taxable for city purposes.[41] If a borough has been created from a township, it will not be subject to a local act regulating assessment not in conformity with the borough laws. So where it had been provided for the township that the taxes should be collected by a treasurer of the school board, and a borough is erected from the said township, the taxes must be collected by tax collectors as directed by the Act of 1885.[42] When the borough has been taken from the township, taxes may be collected without another assessment than that made by the township assessor prior to the incorporation.[43]

Notice of Assessment.

70. When the proportions of the several townships are ascertained by the commissioners, transcripts of the assessments are to be sent to the assessors.[44] And it then becomes the duty of the assessors to give written or printed notice at least five days before the day of appeal to every taxable inhabitant within the respective township, of the amount or sum to which he stands rated, and the rate per cent. of such amount, and of the time and place of such appeal.[45] But a failure to so notify will not affect the validity of the assessment. The only purpose is to give an opportunity for appeal, if it be excessive or illegally made.[46] Where assessments are made in the intervening year, notice is to be given where the assessment of real property has been changed by the erection of buildings or other improvements, and in the case of personal property, offices, professions, trades,

40 Act May 24, 1878, P. L. 131, Sec. 1, 2 P. & L. Dig. 4648.

41 Easton *vs.* Lerch, 2 Northampton Co. 383; Lancaster Co. *vs.* Bare, 22 Pa. C. C. 662, s. c. 8 D. R. 472.

42 Commonwealth *vs.* School Directors, 8 Pa. Sup. 257.

43 Harding *vs.* Repp, 19 Pa. Sup. 439.

44 Act April 15, 1834, P. L. 509, Sec. 8, 2 P. & L. Dig. 4588.

45 Act April 15, 1834, P. L. 509, Sec. 9, 2 P. & L. Dig. 4588.

46 Winton Coal Company *vs.* Commissioners of Lackawanna Co., 1 Lack. Legal News 195.

and occupations.[47] Unless the alteration be in one of the kinds of property mentioned, no notice is required.[48]

Appeals.

71. The board of county commissioners is authorized to act as a board of revision where the assessment is objected to.[49] An appeal from the valuation, lies to the court of common pleas, whose duty it is to hear the evidence and determine the facts.[50]

In case of dissatisfaction with the action of the board of revision, redress is to be had ordinarily in this way.[51] Relief will not be granted by bill in equity where the tax has been lawfully assessed, or where mere irregularities in the method of making the valuation appear. But a bill may be maintained where no power existed to levy the tax.[52] During the pendency of the appeal the tax to be paid on the valuation as fixed by the board of revision. When the appeal is determined that fixed by the court will control.[53]

From the decision made by the common pleas, an appeal will lie to the Supreme or Superior Courts, as in other cases.[54] On such appeal the court cannot limit itself merely to inspection of the record, as upon *certiorari*, but must review the judicial action of the court below on the evidence disclosed by the record.[55]

47 Act April 15, 1834, P. L. 509, Sec. 12, 2 P. & L. Dig. 4589.

48 Sommer's Case, 28 Pa. C. C. 93, s. c. 12 D. R. 688.

49 Act July 27, 1842, P. L. 441, Secs. 10, 14, 2 P. & L. Dig. 4590-2.

50 Act April 19, 1889, P. L. 37, 2 P. & L. Dig. 4594.

51 Moore *vs.* Taylor, 147 Pa. 481; Hughes *vs.* Kline, 30 Pa. 227.

52 Ridgway Light & Heat Company *vs.* County of Elk, 191 Pa. 465; Banger's Appeal, 109 Pa. 79; Payne *vs.* School District of Coudersport, 168 Pa. 386.

53 Plains Township's Appeal, 21 Pa. Sup. 68.

54 Act June 26, 1901, P. L. 601, 4 P. & L. Dig. 1465.

55 Rockhill Iron & Coal Company *vs.* Fulton Co., 204 Pa. 44.

Reassessments.

72. Commissioners shall issue their precepts to the assessors to make the reassessment of property between the period of the triennial assessment on or before the second Monday of September, and such reassessment must be completed and returned not later than the 31st day of December of the same year.[56] Only such changes can be made in intervening years as are specially provided for by statute.[57] Improved real estate is to be reassessed.[58] As is real estate omitted from the triennial assessment.[59] Personal property is to be valued as well as offices and posts of profit, professions, trades and occupations taxable by law.[60]

Penalty for Neglect.

73. Assessors who neglect to assess and rate as required by law, may upon conviction, be fined in a sum not less than $20.00, nor more than $50.00 at the discretion of the court, besides the costs of prosecution, for the use of the county in which the party resides.[61] If the assessor shall neglect and intentionally omit, neglect or refuse to assess and rate property, he shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to imprisonment, for not less than three nor more than twelve months, and fined in a sum not less than $100.00 nor more than $200.00.[62] Should he fail to comply with any order or warrant issued to him by the commissioners of the county in conformity with law, or fail to perform the duties enjoining, he shall forfeit a sum not to exceed $40.00, to be recovered by the county as debts of a like amount are recoverable.[63] Should

56 Act April 23, 1903, P. L. 292, Sec. 2.

57 Slaymaker *vs.* Lancaster Co., 2 Lanc. Bar., Mar. 25, 1871; Beechwood Improvement Co.'s Appeal, 12 D. R. 430.

58 Act April 10, 1849, P. L. 570, Sec. 34, 2 P. & L. Dig. 4585.

59 Act April 28, 1868, P. L. 105, Sec. 1, 2 P. & L. Dig. 4586.

60 Act April 15, 1834, P. L. 509, Sec. 11, 2 P. & L. Dig. 4586.

61 Act April 15, 1834, P. L. 509, Sec. 23, 2 P. & L. Dig. 4587.

62 Act May 15, 1841, P. L. 393, Sec. 3, 2 P. & L. Dig. 4587.

63 Act April 15, 1834, P. L. 509, Sec. 24, 2 P. & L. Dig. 4587.

he refuse to serve, he shall forfeit and pay the sum of $20.00, but he is not required to act as assessor for a second term without his consent within the period of ten years.[64]

Other Duties.

74. It is also the duty of the township assessor to assist the supervisors or overseers in laying their township rates or assessments, and he is required to furnish them a correct copy of the last adjusted valuation of the township, and give aid in making the assessment.[65]

By the Act of April 13, 1887,[66] he is required to make an enrollment of the names of those liable to military service, at the same time as the valuation of property is made.

He shall likewise perform all the duties of election assessor.[67] Except in those townships having more than one election district, and for which assistant assessors have been provided for this purpose.[68]

Vacancy.

75. In case an assessor be not elected, or if any person elected, shall neglect or refuse to serve, or if any vacancy shall occur in this office by death or otherwise, the commissioners of the county shall appoint a fit person to fill the office, who shall have the same powers, be subject to the same penalties, and receive the same compensation as if he had been a regularly elected township assessor.[69] So they may appoint if the election has been illegal, and hence there has been a failure to elect.[70] Or if the vacancy exists by reason of the sustaining of a contest

64 Act April 28, 1835, P. L. 45, Sec. 2, 2 P. & L. Dig. 4588.
65 Act April 15, 1834, P. L. 509, Sec. 28, 2 P. & L. Dig. 4596.
66 Act April 13, 1887, P. L. 23, Sec. 111, 2 P. & L. Dig. 3038, and May 9, 1899, P. L. 266, 4 P. & L. Dig. 1205.
67 Act Feb. 14, 1889, P. L. 7, 2 P. & L. Dig. 4687.
68 Act June 16, 1891, P. L. 298, 2 P. & L. Dig. 1735, 4688.
69 Act April 15, 1834, P. L. 537, Sec. 87, 2 P. & L. Dig. 4688.
70 Com. *vs.* County Comm., 5 Rawle 75.

of an election.[71] But they cannot appoint when the assessor has been elected until they have issued the precept to him, and he has refused to accept it.[72] When the commissioners do appoint, the person selected shall serve until the next election for assessors.[73]

The Act of May 5, 1897,[74] provides for an appointment by the county commissioners where there is a failure to qualify or a refusal to receive the precepts and books for the triennial assessment, such appointment being made on the eighth day after the time designated by law to begin the assessment.

In case of assistant assessors elected by virtue of the Act of June 16, 1891,[75] the court of quarter sessions has power to fill the vacancy.[76]

Compensation.

76. It shall be the duty of each assessor and assistant assessor to keep an account of the several days by him actually employed in performance of his duties, and to make return of the same to the commissioners of the county, verified by his oath or affirmation, and for each day necessarily employed he shall receive the sum of two dollars.[77] This legislation does not prevent the recovery for services in making the military enrollment, as directed by the Act of April 13, 1887,[78] and May 9, 1899,[79] which is fixed at three cents for each name enrolled.[80]

School Assessors.

77. The assessors of voters of every district are required to

71 Street *vs.* Comm., 6 W. & S. 209.
72 Comm. *vs.* Gregory, 6 Luz. Leg. Reg. 127.
73 Act Feb. 14, 1889, P. L. 7, Sec. 4, 2 P. & L. Dig. 4688.
74 Act May 5, 1897, P. L. 39, 3 P. & L. Dig. 600.
75 Act June 16, 1891, P. L. 298, 2 P. & L. Dig. 4688.
76 Assistant Assessors No. 2, 3 D. R. 254.
77 Act May 24, 1887, P. L. 195, Sec. 1, 2 P. & L. Dig. 4689.
78 Act April 13, 1887, P. L. 23, Sec. 111, 2 P. & L. Dig. 3038.
79 Act May 9, 1899, P. L. 266, 4 P. & L. Dig. 1205.
80 Dilley *vs.* Luzerne County, 8 Pa. C. C. 162.

make a list of all the children between the ages of 6 and 16, stating whether enrolled in a school, or the cause of non-enrollment, which enumeration after approval by the secretary of the school board shall be returned to the county commissioner. The assessors shall be paid a per diem compensation to be equal to that paid under existing laws for election assessors, but the said services shall not exceed ten days.[81] Under the earlier compulsory education act[82] the county was held chargeable with this expense.[83]

The school directors may authorize such enumeration to be made at the expense of the school district by the attendance officer or other persons in place of the election assessor.[84]

81 Act July 11, 1901, P. L. 658, Sec. 4, 4 P. & L. Dig. 870.

82 Act May 16, 1895, P. L. 72, amended July 12, 1897, P. L. 248, 3 P. & L. Dig. 153.

83 *In re* Pay of Assessors, 5 D. R. 253; Brinker *vs.* Northampton Co., 5 Northampton 275.

84 Act July 11, 1901, P. L. 658, Sec. 4, 4 P. & L. Dig. 870.

CHAPTER IX.

TOWNSHIP TREASURER.

SECTION
78. In townships of the first class.
79. In townships of the second class.
80. Bond.
81. Duties.
82. Vacancy.

In Townships of the First Class.

78. A township treasurer is to be elected triennially in townships of the first class, who shall give bond in such sum as shall be fixed by ordinance, and at least equal to the probable amount of the annual township tax, with sureties to the satisfaction of the board of township commissioners, which bond shall be conditioned for the faithful performance of the duties of the office, for a just account of all moneys belonging to the township funds that may come into his hands, for the delivery to his successor in office of all papers, books, documents and other things held in right of his office, and for the payment to such successor of any balance in money belonging to the township that may remain in his hands on the settlement of his account. The bond shall be filed with the township commissioners.

The township treasurer shall take charge of all township moneys and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the commissioners and township auditor, or any of them. He shall annually state his accounts and lay the same together with the books and the vouchers, before the township auditors for settlement according to law.[1] To

1 Act April 28, 1899, P. L. 104, Sec. 13, 4 P. & L. Dig. 923.

fix his liability his accounts must be thus settled. A suit upon his bond before this is done is premature.[2]

He shall take the duplicate of the assessment of tax, whenever such is laid by the board of township commissioners, of which fact he shall give notice as soon as can be conveniently done to the taxpayers by at least ten written or printed hand bills to be posted in the most public places in the township, and by advertisements in a newspaper published in the county, if such there be. If payment be made within sixty days a discount of five per cent. is to be allowed. After three months, he, and deputy collectors, whom he may appoint, shall proceed to collect the tax.[3] He is chargeable with the duplicate, less the exonerations and allowances, and not merely with the amount collected.[4]

No money shall be paid out by him except on the written order, or warrant issued by the board of township commissioners, and attested by the signatures of the president or vice-president, and the secretary of said board.[5]

His compensation shall consist of a sum equal to five per cent. of all taxes received or collected by him, unless a different rate be fixed by ordinance of the township commissioners, passed thirty days prior to his election.[6]

This officer shall not be eligible to succeed himself. Nor shall any member of the school board, any township commissioner or township auditor hold this office, but the same person may act as township treasurer, and treasurer of the school board.[7]

Two acts were passed to provide for the filling of a vacancy in the office by the Legislature of 1903. By the first the court of quarter sessions is directed to appoint upon the

2 Bryn Mawr Trust Co., 20 Montg. 54.
3 Act April 28, 1899, P. L. 104, Secs. 15 and 16, 4 P. & L. Dig. 924-5.
4 Bryn Mawr Trust Co., 20 Montg. 54.
5 Act April 28, 1899, P. L. 104, Sec. 17, 4 P. & L. Dig. 925.
6 Act April 28, 1899, P. L. 104, Sec. 14, 4 P. & L. Dig. 924.
7 Act April 28, 1899, P. L. 104, Sec. 18, 4 P. & L. Dig. 925.

petition of twenty or more qualified voters of the township, after ten days' notice of the filing of the petition is given by putting up ten or more notices in the most public and conspicuous places in the township.[8] This act as printed in the pamphlet laws is confused, part evidently being omitted.

By the second the power is given to the board of township commissioners to appoint until the next regular election.[9]

The legislation creating townships of the first class, and providing for officers in such district, repeals a local law, applying to a township within its provisions, which regulated the method of election of a township treasurer.[10]

In Townships of the Second Class.

79. A township treasurer is to be elected annually, but shall hold office until his successor is elected or appointed. No election takes place unless he receives at least one-half of the number of votes polled at the same election for supervisors.[11] This provision was repealed except as to the counties of Erie, Franklin, Wayne, Venango, Warren, Susquehanna, Bradford Tioga and Luzerne counties in the following year.[12] Snce that time local acts have been passed for many townships, *e. g.*, in Red Bank township, Armstrong county, where a biennial election is directed.[13] In case no treasurer is elected it is the duty of the supervisors, either to collect the rates and levies themselves, or to appoint a collector for that purpose.[14] If a treasurer be elected without authority, the supervisors are liable for all moneys, which they pay to the alleged officer, and cannot

8 Act April 15, 1903, P. L. 199.

9 Act April 23, 1903, P. L. 267.

10 Com. *vs.* Blackley, 198 Pa. 372.

11 Act April 15, 1834, P. L. 537, Sec. 81, 2 P. & L. Dig. 4701.

12 Act Feb. 28, 1835, P. L. 45, Sec. 8, 2 P. & L. Dig. 4694.

13 Com. *vs.* Doverspike, 20 Pa. C. C. 109. In such case the court must appoint where a vacancy exists until the end of the regular term, and not until the next election.

14 Act April 15, 1834, P. L. 509, Sec. 39, 2 P. & L. Dig. 4600; *In re* Granahan, 3 Kulp 450.

claim credit for his commissions or for payments made by him.[15]

Bond.

80. Where a township treasurer is elected he shall give bond with sureties to the satisfaction of the supervisors, conditioned for the faithful performance of the duties of his office, for a just account of all moneys that may come into his hands by virtue thereof, for the delivery to his successor in office of all books, papers, documents and other things held in right of his office, and for the payment to him of any balance of money belonging to the township that may remain in his hands.[16] Until a bond satisfactory to the supervisors is given, he cannot demand the possession of the township funds.[17] And it is for the supervisors to pass upon the sufficiency. If they refuse to receive the bond the court may grant a writ of mandamus, but it will not impose its judgment as to the sufficiency in place of the supervisors.[18] In case a special tax be ordered in accordance with the Act of March 31, 1864, the tax is payable to the township treasurer, but the court may require a bond from the supervisor who collects, or from a collector to whom the duplicate is given, and also from the township treasurer.[19]

Duties.

81. The duty of the treasurer is to receive all moneys due or accruing to the township, and to keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the supervisors of the township, and of each of them. He shall pay all moneys received by him from taxes or otherwise, on orders drawn by the supervisors of the township, and shall annually state his accounts, and lay the same, together with the vouchers, before the

15 Banks Township *vs.* Frey *et al.*, 10 Pa. C. C. 580.
16 Act April 15, 1834, P. L. 537, Sec. 95, 2 P. & L. Dig. 4701.
17 Com. *vs.* Norton, 3 Kulp 231.
18 Com. *vs.* Norton, 3 Kulp 231.
19 *In re* Foster Twp., 7 Kulp 21.

township auditors, for settlement according to law.[20] In so collecting funds he is a township officer within the meaning of the Act of March 31, 1860,[21] and may be indicted for embezzlement thereunder.[22] A final settlement of accounts by auditors, which is unappealed from, is conclusive, and an action may be maintained by the township to recover the sum found due.[23] But if the report is a mere conditional settlement, which is not filed, pending performance of a condition by the treasurer, a re-settlement and adjustment may be made and filed.[24]

The treasurer shall receive as compensation a certain amount per cent. on all moneys received and paid by him, which rate shall be settled, from time to time, by the supervisors of the township with the approbation of the township auditors.[25] He is not entitled to commissions upon taxes worked out on the road or on exonerations.[26] But is entitled to a commission of two per cent. on unseated land tax.[27]

Vacancy.

82. In case a duly elected treasurer shall neglect or refuse to perform the duties of his office, he shall be fined in a sum not exceeding one hundred dollars, and shall be disqualified from holding the office.[28] Vacancies are to be filled by the court of quarter sessions until the next annual election.[29]

20 Act April 15, 1834, P. L. 537, Sec. 96, 2 P. & L. Dig. 4702.
21 Act March 31, 1860, P. L. 385, Sec. 65, 1 P. & L. Dig. 1193.
22 Com. *vs.* Carson, 21 Pa. Sup. 48.
23 Township of Middleton *vs.* Miles, 61 Pa. 290.
24 Com. *vs.* Allis, 19 Pa. Sup. 130.
25 Act April 15, 1834, P. L. 537, Sec. 97, 2 P. & L. Dig. 4702.
26 Brennan's Appeal, 1 Walker 522; Lewis *vs.* Flanagan, 1 Leg. Rec. 141.
27 Mt. Carmel Twp. *vs.* McDonnell, 1 Kulp 20.
28 Act April 15, 1834, P. L. 537, Sec. 98, 2 P. & L. Dig. 4702.
29 Act April 15, 1834, P. L. 537, Sec. 83, 2 P. & L. Dig. 4696. NOTE.—For vacancies in townships of the first class, see section 78.

CHAPTER X.

TOWNSHIP COMMISSIONERS AND SUPERVISORS.

SECTION
83. Townships of the first class; commissioners.
84. Meeting of the board.
85. Townships of the second class; supervisors.
86. Filling of vacancies.
87. Qualification.
88. Bond.
89. Refusal to serve.
90. Duties.
91. Compensation.

Townships of the First Class; Commissioners.

83. In townships of the first class township commissioners are provided for, and the office of supervisor of highways is abolished.[1] Five such officers are to be elected unless the population exceeds five thousand, in which case an additional commissioner shall be chosen for each two thousand in excess of that number. The first commissioners are directed to apportion by ordinance the whole number of commissioners among the election districts of the township in proportion to the population as estimated by the votes cast in said districts respectively at the last township election, and thereafter the commissioner shall be chosen by election districts instead of by vote of the township at large. Any election district having too small a population to be entitled to choose one commissioner shall be combined with some adjoining district. Residence in the district in which he is voted for shall not be a requisite of eligibility for a commissioner. A new apportionment shall be made

1 Plymouth Twp. Commissioners *vs.* Sweeney, 10 D. R. 617, s. c. 10 Kulp 293. Mandamus will lie to compel the claimant of the defunct office to hand over the papers and property to the incumbent who supersedes.

after each United States census, and whenever any change is made in the boundaries of the election districts of the township.[2]

The term of the commissioners shall be two years, and no compensation shall be paid for the service rendered.[3] Vacancies in the office shall be filled by the quarter sessions on the petition of twenty qualified voters, of which petition ten days' notice shall be given.[4] Or the vacancy may be filled by the remaining members of the board, the person so chosen to hold office until the next regular election.[5]

Meeting of the Board.

84. Persons elected township commissioners shall meet on the first Monday of March succeeding their election, until otherwise designated by ordinance. The place of meeting shall be the oldest polling place in the township. Each member shall take and subscribe to an oath or affirmation, to be administered by a justice of the peace, or notary public, to support the Constitution of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. Certificates of such oaths and affirmations shall be filed with the township auditor.

If a majority of the commissioners shall not attend at the meeting on the first Monday in March, those present shall have power to adjourn the meeting, from day to day, until a majority appear.

The board shall organize by the election of one of their number as president. He shall perform such other duties as are specified in this act, or which may be prescribed by ordinance.

The board shall meet at least once a month at such time and

2 Act April 28, 1899, P. L. 104, Sec. 4, 4 P. & L. Dig. 914.

3 Act April 28, 1899, P. L. 104, Secs. 4 and 5, 4 P. & L. Dig. 914-5.

4 Act April 15, 1903, P. L. 199. This Act is almost unintelligible, a portion being evidently omitted.

5 Act April 23, 1903, P. L. 267.

place as may be designated by ordinance. A majority of the members of the board shall constitute a quorum.

All the corporate powers, authority and franchise of the township shall be vested in and exercised by the board of township commissioners. The particular powers which have been given by legislation will be noticed under the appropriate headings.[6]

In the construction and care of highways the board shall have power to appoint one or more supervisors or engineers of highways and by ordinance to specify their duties and fix their salaries. All such officers shall hold office at the pleasure of the board.[7]

Townships of the Second Class; Supervisors.

85. Except where special legislation has been enacted providing for the election of supervisors, *e. g.*, in Hempfield township, Westmoreland county,[8] or in the counties of Erie, Franklin, Wayne, Venango, Warren, Susquehanna, Bradford, Tioga and Luzerne, except the township of Falk in Lackawanna[9] where three are provided for by the Act of 1834,[10] one to be elected each year, two supervisors are to be elected, each to serve one year.[11] A general system was provided for by the Act of 1897, but its provisions have not become operative, because the requirements of section 21 have never been met.[12]

The number provided for may be increased by a vote of the qualified electors at the time and place for holding constables' elections. Tickets in such case shall be labelled on the outside with the word "supervisors," and on the inside of such ticket

6 Act April 28, 1899, P. L. 104, Secs. 6, 7, 4 P. & L. Dig. 916.

7 Act April 28, 1899, P. L. 104, Sec. 10, 4 P. & L. Dig. 922.

8 *In re* Contested Election of Martz, 110 Pa. 502. See also Com. *vs.* McComsey, 19 Lanc. L. R. 235.

9 Act March 8, 1842, *In re* Supervisors 4 C. P. 177.

10 Act April 15, 1834, P. L. 537, Sec. 81, 2 P. & L. Dig. 4693.

11 Act Feb. 28, 1835, P. L. 45, Sec. 8, 2 P. & L. Dig. 4694.

12 Act June 23, 1897, P. L. 194, 3 P. & L. Dig. 515.

shall contain the words "increase one" or "increase two," or more as they may desire. Those opposed shall vote tickets marked on the inside "no increase." In case the increase is favored by a majority, then such additional supervisors shall be elected at the next constable election. This election is not to be held, however, unless at least thirty qualified voters of the proper township shall give notice in writing to the constable thereof, that they desire to vote for such increase. On receiving such notice the constable shall, by at least six printed or written hand bills, put up in the most public places in said township, at least twenty days before said election, give notice of the proposed election. If additional supervisors be elected they become subject to the same duties and responsibilities imposed by law on supervisors of public roads.[13] A similar procedure is provided where it is desired to decrease the number.[14]

In case the number of supervisors provided by law be decreased by any general enactment, the term of office may be ended, for the occupant of it has no vested right thereto, the office not being a constitutional one.[15]

The election of supervisors is controlled by the general election laws. In case of a contest instituted under the Act of May 19, 1874, the petitioners must be electors of the district for which the supervisor is to act, where there are two, though both districts vote in one election district.[16]

Filling of Vacancies.

86. Where there has been a failure to elect the court of quarter sessions shall appoint a suitable person to fill such office until the next annual election.[17] It has been said that this power shall be exercised in case of a tie vote in favor of the ap-

13 Act May 6, 1857, P. L. 415, Secs. 1 and 2, 2 P. & L. Dig. 4698-9.

14 Act May 6, 1857, P. L. 415, Sec. 3, 2 P. & L. Dig. 4699.

15 Com. *vs.* McComsey, 19 Lanc. L. R. 235. Here term reduced by Act of May 11, 1901.

16 Third Road District Supervisor, 8 Pa. C. C. 302.

17 Act April 15, 1834, P. L. 537, Sec. 83, 2 P. & L. Dig. 4696.

plicant having the most petitioners, both parties being fit.[18] If the township is divided for convenience the court will appoint from the district having no representative, other things being equal.[19]

In case of a vacancy arising from a failure of a supervisor to qualify, the office shall be declared vacant, and the court of quarter sessions shall appoint.[20] But the mere omission to give bond does not *ipso facto* vacate the office without judicial action.[21] Though the office be declared vacant for failure to qualify, the court will appoint the person elected in preference to another, if, at the time the appointment is to be made, he presents a satisfactory bond.[22] But this will not be done when it appears that the person elected was not at the time of the election a qualified elector of the township for which he was chosen.[23]

Qualification.

87. Supervisors, as other township officers, shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, before some person having authority to administer oaths, to support the Constitution of the United States and that of this Commonwealth, and perform the duties of his office with fidelity. A copy of the oath or affirmation certified by the person by whom it was administered is to be filed within ten days with the town clerk, if there be one in such township.[24]

Bond.

88. The township auditors, except in the county of Schuylkill, shall require a bond from the supervisors, before they shall

18 Sadsbury Twp. Sup., 16 Lanc. L. R. 181, s. c. 13 York 58.
19 Washington Twp. Sup., 7 North 168, s. c. 13 York 176.
20 Act March 16, 1860, P. L. 174, Sec. 2, 2 P. & L. Dig. 4700.
21 Stephens *vs.* Potter, 4 W. N. C. 375.
22 Ridley Twp. Sup., 8 Del. 22, s. c. 9 D. R. 732, 7 North 332.
23 Darby Twp. Supervisor, 7 Del. Co. 597, s. c. 9 D. R. 678.
24 Act April 15, 1834, P. L. 537, Sec. 86, 2 P. & L. Dig. 4696.

enter upon the duties of their office, in a sum not less than double the probable amount of the tax which may come into the hands of the said officers; which bonds shall be taken in the name of the township, conditioned for the faithful performance of their duties, accounting for and paying over to the township treasurer (where such officer exists), or to their successors in office, any balance that may remain in their hands at the settlement of their account by the auditors. In case of default for thirty days after settlement of their accounts the auditors are directed to proceed upon the said bond and collect the same for the use of the township.[25]

Should such officer desire to confine himself to individual responsibility, each may give bond in double the amount of money which the auditors may determine will probably come into his hands for the ensuing year.[26] In such case the supervisor is not responsible for the default of his associate.[27]

Where there has been a failure to give bond within one month after his election, the office may be declared vacant, and a successor appointed.[28] But the court must judicially so declare before a new supervisor is chosen.[29]

In case the proper bond is tendered the auditors should approve it.[30] The office cannot be declared vacant because they refuse to do so until a small indebtedness due on a prior account is paid.[31] Nor can this be done where there has been a failure to approve, and a surety withdraws after the time for approval has elapsed.[32] The bond is valid and may be enforced though never approved, and though it has been given but by one supervisor.[33] Or if taken in favor of the auditors for the

25 Act Mar. 16, 1860, P. L. 174, Sec. 1, 2 P. & L. Dig. 4700.
26 Act March 16, 1860, P. L. 174, Sec. 1, 2 P. & L. Dig. 4700.
27 *In re* Granahan, 3 Kulp 450.
28 Act March 16, 1860, P. L. 174, Sec. 2, 2 P. & L. Dig. 4700.
29 Stephens *vs.* Potter, 4 W. N. C. 375.
30 Spring Brook Township *vs.* Thomas, 8 Luz. L. R. 112.
31 Rice's Appeal, 158 Pa. 157.
32 Auditors *vs.* Frederick, 15 Montg. Co. 105, 22 Pa. C. C. 448.
33 Young *vs.* Machamer, 1 Pears. 303.

use of the township, and the township may bring suit on it.[34] A failure to furnish security furnishes reason for declaring the office vacant, but the court cannot compel the furnishing of it by mandamus. Yet in such a proceeding to compel the payment of moneys to the supervisor which are due the township, the court may refuse to so order unless security be given, the writ being *ex gratia*.[35]

Special bonds may be ordered by the court where a special tax is directed under the provisions of the Act of March 31, 1864.[36]

In case of default the liability of the surety is fixed by the adjudication of the township auditors, which is unappealed from, finding what moneys have come into the hands of the supervisor during the year.[37] When such officer has been re-appointed, he becomes his own successor, and the sureties are liable for the balance remaining unexpended in his hands in addition to the correct receipts of his term.[38]

Refusal to Serve.

89. The Act of 1834 imposed a penalty of twenty dollars upon the elected supervisor who refused to serve, provided that no person shall be required to serve in any such office more than three years in twelve years.[39] A mere failure to give security will not, however, make him liable for the penalty, provided the auditors should be satisfied that such security could not be obtained.[40]

34 Dyer *vs.* Covington Township, 28 Pa. 186.

35 Porter Twp. Road, 1 Walker 10.

36 *In re* Foster Township, 7 Kulp 21.

37 Com. *vs.* Smythe, 21 Lanc. L. R. 109; Chanceford Twp. *vs.* Craley, 11 D. R. 724, s. c. 15 York 149; East Cocalico Twp. *vs.* Swigart, 15 Lanc. L R. 319.

38 Com. *vs.* Sweigart, 9 Pa. Sup. 455.

39 Act April 15, 1834, P. L. 537, Sec. 85, 2 P. & L. Dig. 4696.

40 Act March 16, 1860, P. L. 174, Sec. 3, 2 P. & L. Dig. 4700.

Duties.

90. The powers of the supervisors to contract on behalf of and bind the township, their duties as to roads, bridges, taxes and grant of franchises will be noticed subsequently under appropriate heads.

Generally the duties imposed by law on the supervisors of roads and highways devolves upon them, and they shall by virtue of their office be overseers of the poor (in those townships of the State in which this office exists). They are required to keep fair and clear accounts, in a book to be provided for that purpose, of all moneys received by them, or either of them, and by them or either of them expended on behalf of the township; and such accounts verified by oath or affirmation shall be exhibited to the township auditors, at the annual settlement of the accounts of such supervisors.[41] An itemized account of the work and labor done should be presented.[42]

For a wilful neglect to perform duties the officers may be indicted, as in the case of failure to open roads, which will be considered subsequently. In case of the embezzlement of public money entrusted to their care, an indictment for embezzlement may be maintained.[43] For neglect or refusal to pay over money or produce his accounts, the delinquent may be committed to jail by the auditors by warrant under their hands and seals directed to the sheriff or any constable of the county, setting forth the cause of such commitment, there to remain until he shall comply with the requisitions of the law, or be otherwise legally discharged.[44] And for any neglect or refusal to perform his duties he shall be subject to a penalty of not less than four nor exceeding fifty dollars to be recovered in a sum-

41 Act April 15, 1834, P. L. 537, Secs. 90 and 94, 2 P. & L. Dig. 4696-8.

42 Stolpe's Appeal, 11 Kulp 143.

43 Act March 31, 1860, P. L. 385, Sec. 65, 1 P. & L. Dig. 1193.

44 Act April 15, 1834, P. L. 537, Sec. 91, 2 P. & L. Dig. 4697. Such procedure was held to be limited to the delinquent, and not to extend to his personal representatives under the earlier Act of April 6, 1802, Sec. 4, 3 Sm. L. 513, Shronk *vs.* Supervisors of Penn Township, 3 Rawle 347.

mary way by action of debt in the name of the Commonwealth, before any justice of the peace of the county, to be applied to repairing the highways of the township, subject however to the right of appeal to the court of quarter sessions.[45]

Compensation.

91. The township supervisor is allowed in the settlement of his account the sum of one dollar and fifty cents for each day he shall be necessarily employed in the discharge of the duties of his office, unless his compensation be fixed by special or local laws.[46] The right to recover for other than service rendered, such as compensation for teams used in the service of the township will be noticed under the power to bind the township by contract.

The supervisors are not entitled to any commission upon taxes collected, such service being performed by the collector, the fund being paid to the township treasurer where such office exists. Supervisors are not therefore entitled to a commission on taxes worked out on the roads,[47] for the township collector and treasurer would not be.[48] But it has been said that he may recover the treasurer's commission of two per cent. on unseated land tax, where there is no treasurer.[49] Under the Act of June 25, 1885, a commission would be allowed to the supervisor in case he collects a special tax ordered by the court.[50]

For services rendered in destroying Canada thistles under the Act of April 24, 1885,[51] he must look to the owner of the land for compensation.[52]

For the compensation due for services rendered or money expended he must present his claim to the township auditors, and

45 Act April 15, 1834, P. L. 537, Sec. 92, 2 P. & L. Dig. 4697.
46 Act May 14, 1889, P. L. 87, Sec. 1, 2 P. & L. Dig. 4697.
47 Mt. Carmel Township *vs.* McDonnell, 1 Kulp 20.
48 Brennan's Ap., 1 Walker 522; Lewis *vs.* Flanagan, 1 Leg. Rec. 141.
49 Mt. Carmel Twp. *vs.* McDonnell, 1 Kulp 20.
50 Act June 25, 1885, P. L. 187, Sec. 4, 2 P. & L. Dig. 4604.
51 Act April 24, 1885, P. L. 9, 1 P. & L. Dig. 528.
52 Bilger *vs.* Township, 22 Pa. C. C. 670.

if disallowed must appeal.[53] After a balance found he could sue the township prior to 1864.[54] Now a statutory method of collection is provided by the levying of a special tax and this remedy must be pursued.[55]

53 Brown *vs.* White Deer Twp., 27 Pa. 109; Dyer *vs.* Covington Twp., 28 Pa. 186.

54 Carney *vs.* Wheatfield Twp., 4 W. & S. 215.

55 Barrett *vs.* Plymouth Twp., 13 Montg. 46.

CHAPTER XI.

TAX COLLECTOR.

SECTION
92. In townships of the first class.
93. In townships of the second class.
94. Election.
95. Oath and bond.
96. Duties.
97. Collection of taxes.
98. Responsibility of collectors.
99. Compensation.
100. Assistant collectors.

In Townships of the First Class.

92. As already noticed the duplicate of taxes is to be delivered in townships of the first class to the township treasurer, whose duty it is to collect the same. To assist him in this service he is authorized to appoint one or more deputy collectors. Together they shall exercise all powers conferred by existing laws on township tax collectors.[1] The compensation is fixed by section 14 of this act, which is to be five per cent. of the taxes unless a different rate be fixed by ordinance of the township commissioners. In paying the tax a discount of five per cent. is to be allowed if paid within sixty days from the time of notice.[2] If not paid within six months a penalty of five per cent. shall be added.[3]

In Townships of the Second Class.

93. For townships of the second class a large number of local acts are to be found on the statute books, providing for the collection of taxes in various townships. A general system for

1 Act April 28, 1899, P. L. 104, Secs. 13 and 16, 4 P. & L. Dig. 924-5.
2 Act April 28, 1899, P. L. 104, Sec. 16, 4 P. & L. Dig. 925.
3 Act June 4, 1901, P. L. 361, 4 P. & L. Dig. 924.

those districts having no special legislation was provided by the Act of June 25, 1885.[4] This act is constitutional, it not offending against the provision of the Constitution relating to local legislation.[5] This legislation authorizes the collection of county taxes, though this subject is not clearly expressed in the title.[6] Local laws are not repealed by this act.[7] Further legislation was passed in 1893 which is general in its nature,[8] and repeals all inconsistent local laws.[9]

Election.

94. The voters of the township shall elect triennially one properly qualified person for tax collector, who shall serve for three years.[10] His term of office shall commence on the first Monday of April next after his election. In case of vacancy, or upon failure of the officer elected to qualify on or before the fourth day of the term of the court of quarter sessions next ensuing his election, the said court shall declare his office vacant, and appoint a suitable person, resident in the proper township to fill the same.[11] Such vacancy does not occur until the court

4 Act June 25, 1885, P. L. 187.

5 Evans *vs.* Phillipi, 117 Pa. 226; Bennett *vs.* Hunt, 148 Pa. 257; Com. *vs.* Lyter, 162 Pa. 50; Swatara Twp. School Dist.'s Appeal, 1 Pa. Sup. 502; Bitting *vs.* Commonwealth, 20 W. N. C. 178; Commonwealth *vs.* Frutchey, 1 D. R. 153; these cases overrule *In re* Hannick's Bond, 3 Pa. C. C. 254; *In re* Collector's Bond, 4 C. P. 38; Evans *vs.* Witmer, 2 Pa. C. C. 612; Commonwealth *vs.* Swab, 8 Pa. C. C. 111; Com. *vs.* Lackawanna Co., 7 Pa. C. C. 173. The appeal in the latter case was quashed in 133 Pa. 180.

6 Bennett *vs.* Hunt, 148 Pa. 257.

7 Malloy *vs.* Reinhard, 115 Pa. 25; Act June 25, 1885, P. L. 187, Sec. 13; Com. *vs.* Scheckler, 1 Pa. C. C. 505; Keim *vs.* Devitt, 3 Pa. C. C. 250; *In re* Election, 3 Lanc. L. R. 225; Frederick *vs.* Com., 1 L. V. 29; Reilly *vs.* School Board, 1 North. Co. 312.

8 Act June 6, 1893, P. L. 333.

9 Com. *vs.* Wunch, 167 Pa. 186; Bear *vs.* Eshleman, 14 Lanc. L. R. 273; Buckwalter *vs.* Lancaster, 12 Pa. Sup. 272; See Com. *vs.* Huffman, 6 Pa. Sup. 211.

10 Act June 6, 1893, P. L. 333, Sec. 1, 2 P. & L. Dig. 4603. For the effect of this legislation on local acts, see Com. *vs.* Huffman, 6 Pa. Sup. 211.

11 Act June 25, 1885, P. L. 187, Secs. 1 and 2, 2 P. & L. Dig. 4603.

declares it.[12] By the Act of July 2, 1895,[13] the court of quarter sessions is authorized to appoint in case of any vacancy, upon petition of any resident citizen, a suitable person for the unexpired term.[14]

Oath and Bond.

95. The collector of taxes shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same in the office of the court of quarter sessions of the proper county, and shall also enter into a bond to the Commonwealth in double the probable amount of taxes that will come into his hands, with at least two sufficient sureties; said bond to be approved by the said court; the condition of which bond shall be, that the said collector shall well and truly collect and pay over, or account for, according to law, the whole amount of taxes charged and assessed in the duplicates, which shall be delivered to him.[15] Under some local acts the county treasurer approves the bond.[16] Or appoints the collector.[17] Only one bond, to be approved by the court, is required since the Act of 1893.[18] But it must be renewed annually.[19]

Collectors of special taxes are required to give bonds as fixed by the court, and to be approved by it. If the officer does not qualify, he shall nevertheless assess and levy the tax, and the court may appoint a tax collector to receive the moneys due. In such case he shall give bond.[20]

The tax collector is accountable to the county or township

12 Com. *vs.* Stambaugh, 164 Pa. 437; Com. *vs.* Lindenmoyer, 5 North. 165.

13 Act July 2, 1895, P. L. 434, Sec. 1, 3 P. & L. Dig. 593.

14 Com. *vs.* Lindenmoyer, 5 North 165.

15 Act June 25, 1885, P. L. 187, Sec. 3, 2 P. & L. Dig. 4603.

16 Com. *vs.* Jimison, 205 Pa. 367.

17 Mattern *vs.* Allegheny County Com., 12 D. R. 244.

18 Act June 6, 1893, P. L. 333, 2 P. & L. Dig. 4603; Com. *vs.* Dauphin Co. Com., 3 D. R. 584.

19 Sullivan Co. *vs.* Middendorf, 7 Pa. Sup. 71.

20 Act May 25, 1878, P. L. 150, Sec. 1, 2 P. & L. Dig. 4604.

treasurer for the taxes which he receives.[21] And it is no defense that the moneys received were paid to another than the person provided by statute.[22] It is the duty of the township auditors to settle his accounts, and such is conclusive unless an appeal be taken to the court of common pleas as provided by law.[23] If, however, the settlement be conditional, the auditors may make a re-settlement and adjustment of the accounts if the condition be not fulfilled.[24] A suit on the bond of the tax collector is properly brought in *assumpsit,* and the averments of the statement are sufficient, when it assigns with certainty the failure to pay or account for a definite sum claimed as a balance of the taxes in the duplicate for a given year.[25] But no suit may be brought upon the bond until a settlement of the accounts has been had.[26] An action against the sureties based upon an auditor's report showing what was claimed to be due in lump for three years cannot be maintained where there are different sureties for each year; nor can a recovery be had in such action upon another report attempting to separate the amounts due for each year, which report was made after suit brought.[27] But a tax collector may be convicted of defalcation under the Act of June 3, 1885,[28] when he has been in default as to moneys which he had collected within two years prior to the finding of the indictment, where he used some of the moneys collected within two years, to make good a defalcation in previous years, and although he paid into the county treasury during the two years, more money than he had collected in that time.[29] And a recovery may be had from the surety where

21 Township *vs.* Blackwell, 4 Lanc. L. R. 330.

22 Com. *vs.* McAndrews, 8 Kulp 335.

23 Act June 25, 1885, P. L. 187, Sec. 11, 2 P. & L. Dig. 4610; Com. *vs.* Gruver, 13 Pa. Sup. 553.

24 Com. *vs.* Allis, 19 Pa. Sup. 130—here a township treasurer.

25 Com. *vs.* Gruver, 13 Pa. Sup. 553.

26 Swatara Twp. School District's Appeal, 1 Pa. Sup. 502.

27 Com. *vs.* Piroth, 17 Pa. Sup. 586.

28 Act June 3, 1885, P. L. 72, 1 P. & L. Dig. 1194.

29 Com. *vs.* McCullough, 19 Pa. Sup. 412.

the money collected on the duplicate of the second year was used to pay the sum on the first.[30]

A condition in the bond that the collector will pay to the county treasury the amount of his duplicate, deducting commissions is good, the liability not being greater than that imposed by law.[31] The absence of a seal to the signature of one of the sureties does not affect his liability. The question as to whether he adopted the seal of one of his co-sureties is for the jury.[32] A county treasurer cannot release the sureties by accepting a note from the collector, and putting the same in judgment.[33] A surety cannot protect himself by showing that a portion of the taxes collected under the warrant had been levied upon certain persons and property, not liable to taxation.[34] When the collector's liability on the bond for the county rates, has been barred by the statute of limitations, but that for the State tax remains, under a general plea of the statute in an action on his bond, both county and State taxes are recoverable.[35] Interest is recoverable from a reasonable time after the collector became liable.[36]

Duties.

96. The Act of 1885 directed that the tax collectors should collect the township taxes as well as those of the county, school or poor district.[37] This act repeals former legislation allowing the school board to appoint a collector for the school district. He is entitled to the duplicate of county taxes, and the county commissioners can be compelled by mandamus to furnish it.[38] The duplicate is to be delivered on or before the first day of Au-

30 Com. *vs.* Knettle, 182 Pa. 176.
31 Glover *vs.* Wilson, 6 Pa. 290.
32 Templeton *vs.* Com., 8 Atl. Rep. 167.
33 Templeton *vs.* Com., 8 Atl. Rep. 167.
34 Moore *vs.* Allegheny City, 18 Pa. 55.
35 Stiles *vs.* Reynolds, 24 Pitts. L. J. O. S. 33.
36 Glover *vs.* Wilson, 6 Pa. 290.
37 Act June 25, 1885, P. L. 187, Sec. 4, 2 P. & L. Dig. 4604.
38 Com. *vs.* Lyter, 162 Pa. 50; Somerville *vs.* Gallaher, 13 Pa. C. C. 666.

gust, but the collector cannot refuse to receive the same, because it is not tendered on that day, when he knew before that time that it was ready for him.[39] Special taxes, or road taxes not worked out after full opportunity has been given to do so,[40] are also to be delivered to the tax collector for the collection of which he shall receive a commission of five per cent. The supervisors or road commissioners may nevertheless collect these special taxes themselves.[41] But they cannot give the duplicate to a third party.[42]

When a duplicate, of which a list shall be kept by the clerk of the commissioners,[43] for county taxes is received, the treasurer of the county shall be given credit therewith, and the same charged against the collector, who shall make monthly returns of the sums received to the county commissioners.[44]

The collector is required to keep a book in which shall be entered in alphabetical order the names of all persons charged with taxes in the duplicate and showing the amount of such tax charged against each person; which book shall at all times be open to the inspection of each taxpayer. The cost thereof shall be allowed the collector in the settlement of his accounts, and the book shall be delivered to his successor at the expiration of his term.[45] This list is not required in the case of road taxes.[46]

When the duplicate is received, public notice shall be given as soon as possible by at least ten written or printed notices to be posted in as many public places in different parts of the township. All persons who shall pay within 60 days shall be entitled to a reduction of five per cent., and those who fail

39 Somerville *vs.* Gallaher, 13 Pa. C. C. 666.

40 Kemmerer *vs.* Foster Twp., 120 Pa. 153.

41 Magill *vs.* Hellyer, 2 D. R. 644; *sub nom.* Magill's Case, 13 Pa. C. C. 257.

42 Magill *vs.* Hellyer, *supra.*

43 Act Feb. 28, 1835, P. L. 45, Sec. 4, 2 P. & L. Dig. 4611.

44 Act June 8, 1891, P. L. 212, Sec. 1, 2 P. & L. Dig. 4605.

45 Act June 25, 1885, P. L. 187, Sec. 6, 2 P. & L. Dig. 4606.

46 Act June 25, 1885, P. L. 187, Sec. 4, 2 P. & L. Dig. 4604.

to pay within six months shall be charged five per cent. additional.[47] This right to abatement for prompt payment does not apply to road taxes.[48] The penalty may be imposed, though an appeal from the assessment is pending.[49] In order that all may take advantage of the rebate he is required to be in attendance by himself or authorized agent, for the purpose of receiving and receipting for taxes on Thursday, Friday and Saturday of each week during the last two weeks of the said 60 days, between the hours of two and six o'clock in the afternoon, at his residence, or some other place in the proper township to be designated by him in the notice aforesaid.[50] Numbered tax receipts shall be given upon payment, and a copy of the stubs showing the tax paid with the date shall be sent to the office of the county commissioners, which shall be open to public inspection. A failure to do so is made a misdemeanor.[51] Monthly returns are also required showing taxes collected and uncollected since the Act of July 9, 1897.[52]

Collection of Taxes.

97. The warrant furnishes authority for the collection of the tax.[53] It has been customary to extend the period of collection for one year or more.[54] He at once becomes liable for the amount of the duplicate, and cannot relieve himself from this obligation by resigning, and proffering the duplicate to his successor.[55] It is made the duty of the collector, in case of a refusal to pay within thirty days after demand made, to levy

47 Act June 25, 1885, P. L. 187, Sec. 7, 2 P. & L. Dig. 4606.
48 Kemmerer *vs.* Foster Township, 120 Pa. 153.
49 Lehigh C. & N. Co. *vs.* Gormley, 8 D. R. 375, s. c. 21 Pa. C. C. 636.
50 Act June 25, 1885, P. L. 187, Sec. 8, 2 P. & L. Dig. 4607.
51 Act June 25, 1895, P. L. 296, 3 P. & L. Dig. 593.
52 Act July 9, 1897, P. L. 242, 3 P. & L. Dig. 594.
53 Act April 15, 1834, P. L. 486, Sec. 21, 2 P. & L. Dig. 4607.
54 See Act of June 25, 1895, P. L. 287; Act May 11, 1897, P. L. 49; Act March 29, 1899, P. L. 22; Act March 27, 1901, P. L. 60; Act Feb. 13, 1903, P. L. 5.
55 Com. *vs.* Ferrell, 17 Pa. C. C. 263.

such amount by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale, by written or printed advertisements, and in case goods and chattels sufficient to satisfy the same with the costs cannot be found, such collector shall be authorized to take the body of such delinquent and to convey him into the jail of the proper county, there to remain until the amount of such tax, together with the costs shall be paid or secured to be paid, or until he shall be otherwise discharged by due course of law.[56] The commitment must be by the collector, and not a justice.[57] But no female, infant, or person of unsound mind shall be imprisoned for non-payment of taxes.[58] It is not necessary that a warrant should be delivered to the collector with the duplicate. The latter is a sufficient authorization to him to collect.[59] But the warrant must set forth the facts justifying the imprisonment. Thus, where two taxes are named, it is not sufficient to give the amount in the aggregate.[60]

Taxes on unseated lands are not to be collected, but shall be certified and returned by the several authorities levying the same to the county commissioners to be collected.[61] Such returns are to be made before the first of January of each year.[62]

Collectors shall not sue for taxes until their warrants have expired, and only in case they have not been exonerated.[63] In such suit it must appear that the collector has not been exonerated.[64]

56 Act April 15, 1834, P. L. 509, Sec. 21, 2 P. & L. Dig. 4607.

57 Com. *vs.* Deuel, 8 D. R. 431.

58 Act April 15, 1834, P. L. 509, Sec. 45, 2 P. & L. Dig. 4608.

59 Com. *vs.* Ferrell, 17 Pa. C. C. 263; Com. *vs.* Stambaugh, 164 Pa. 437.

60 Sommer's Case, 19 Montg. 60.

61 Act June 25, 1885, P. L. 187, Sec. 12, 2 P. & L. Dig. 4623.

62 Act April 21, 1856, P. L. 477, Sec. 2, 2 P. & L. Dig. 4622.

63 Act April 15, 1834, P. L. 509, Sec. 50, 2 P. & L. Dig. 4608, and the Supplement of April 11, 1848, P. L. 517, Sec. 3, 2 P. & L. Dig. 4608.

64 Gring *vs.* Burkholder, 2 Woodward 82; Bouck *vs.* Supervisors of Kittanning, 1 Am. Law Reg. 125.

Exonerations may be made by the proper authorities, when the tax is not collectible.[65]

The duty of the collector is to receive the money, and pay the same to the proper authorities. He is not required to pay orders drawn by the township treasurer. Nor will the court compel him to pay such an order by mandamus, where there is a vacancy in the office of treasurer.[66]

Road and poor taxes may be collected by levy and sale, as are school and county taxes since the Act of May 22, 1895,[67] but this legislation does not deprive of the right to work out any portion of the road tax, as provided by existing law. In so acting, the provisions of the Act of April 15, 1834,[68] control.[69]

Responsibility of Collectors.

98. In case the collector shall fail to perform the duties imposed upon him, he shall forfeit a sum not exceeding forty dollars which penalty, however, shall not relieve the sureties upon his bond.[70] Should he refuse to serve, he shall be subject to a penalty of fifty dollars.[71]

The commissioners are directed to file a certificate under their hands and seals in the office of the prothonotary of the court of common pleas of the county within three months after the delivery of the duplicate to the collector, stating the amount due and unpaid by such collector. This certificate shall be docketed, and have the same effect as a judgment upon which execution may issue for the amount remaining unpaid

65 Act June 25, 1885, P. L. 187, Sec. 10, 2 P. & L. Dig. 4610.
66 Hoover *vs.* Reap, 10 Kulp 59, s. c. 14 York 62.
67 Act May 22, 1895, P. L. 111, 3 P. & L. Dig. 595.
68 Act April 15, 1834, P. L. 509, 2 P. & L. Dig. 4597.
69 Rice *vs.* Burns, 9 Pa. Sup. 58.
70 Act April 15, 1834, P. L. 509, Sec. 41, 2 P. & L. Dig. 4611.
71 Act April 22, 1846, P. L. 486, Sec. 20, 2 P. & L. Dig. 4612.

at any time after the entry aforesaid.[72] This is not affected by the Act of June 25, 1885.[74]

No defaulting or delinquent collector shall be appointed again until he shall have finally settled, and paid over the whole amount received by him on former duplicates.[75] But if re-appointed his sureties are nevertheless liable.[76]

Defaulting tax collectors are guilty of the crime of embezzlement.[77] And even though he pays into the county treasury during the two years prior to the indictment more money than he had collected in that time, a part being to cover a prior defalcation, he may be convicted.[78] But an indictment cannot be sustained, because of duplicity, under this act where there is joined in one count a charge of embezzlement of State, county and school funds.[79]

By the Act of 1799 county treasurers were given power to issue warrants against defaulting collectors or against sheriffs or coroners detaining taxes, and also to sell the lands of such persons.[80]

Though the Act of Assembly gives two years in which to collect taxes, the collector is not entitled to wait the expiration of his term and three months after to settle his accounts for the first year of his term.[81]

Compensation.

99. The collector is allowed two per cent. on all taxes paid to

72 Act Feb. 28, 1835, P. L. 45, Sec. 3, 2 P. & L. Dig. 4611. For school taxes see Act of April 11, 1862, P. L. 474.

74 School District *vs.* Pitts 184 Pa. 156.

75 Act April 15, 1834, P. L. 509, Sec. 42, 2 P. & L. Dig. 4611; Act Feb. 28, 1835, P. L. 45, Sec. 5, 2 P. & L. Dig. 4611.

76 Boreland *vs.* Washington Co., 20 Pa. 150.

77 Act June 3, 1885, P. L. 72, Sec. 1, 2 P. & L. Dig. 4612.

78 Com. *vs.* McCullough, 19 Pa. Sup. 412.

79 Com. *vs.* Miller, 20 Pa. C. C. 183.

80 Act April 11, 1799, 3 Smith's Laws 392, Secs. 18, 19, 20 and 21, 2 P. & L. Dig. 4612-14.

81 Com. *vs.* Ferrell, 17 Pa. C. C. 263.

him on which an abatement of five per cent. is allowed, and five per cent. on all taxes afterward collected, provided that where the duplicate is less than $1000.00, he shall receive three per cent. on the taxes on which the abatement is allowed. All taxes collected within sixty days shall be paid over within fifteen days after the expiration of the said sixty days, and all taxes thereafter collected during his term of office shall be paid over at regular intervals of one month, and a full and complete settlement of all taxes collected shall be made by the said collector not less than three months after the expiration of his term of office.[82] The collectors of county taxes are required to make their returns under oath or affirmation which the county treasurers are authorized and required to administer, and which shall be filed in the commissioners' office of the proper county.[83]

The two per cent. commission allowed by the Act of 1891 is not to include the five per cent abatement for prompt payment, but he is entitled to a five per cent. commission on taxes collected after six months, and on the penalty added for delinquent payment.[84] The compensation of a collector of a special tax is five per cent.[85]

Since the Act of 1893 repealed local laws as to the collection of taxes, collectors must be compensated as provided in the Act of 1885, and the supplement of 1891, and not as directed by special laws on the subject.[86] But if the collector has been paid under the local act without objection he cannot recover back the difference after settlement, since such is binding on him.[87]

82 Act June 2, 1891, P. L. 175, Sec. 1, 2 P. & L. Dig. 4609. This is an amendment to Sec. 9 of the Act of June 25, 1885, P. L. 187.

83 Act April 22, 1846, P. L. 486, Sec. 19, 2 P. & L. Dig. 4609.

84 Com. *vs.* Scott, 7 Pa. C. C. 409.

85 *In re* Indebtedness of Sugar Notch Borough, 10 Kulp 340.

86 Buckwalter *vs.* Lancaster County, 12 Pa. Sup. 272.

87 Sides *vs.* Lanc. Co., 9 D. R. 609; 17 Lanc. L. Rev. 275. See Ephrata Township School Board *vs.* County, 17 Lanc. L. R. 317.

The tax collector is not entitled to commissions upon taxes worked out on the road or on exonerations.[88]

Assistant Collectors.

100. Collectors may employ suitable persons to act for them in the execution of their warrants, such collectors and their sureties being in all cases responsible for the acts of such deputies.[89]

Executors or administrators of deceased tax collectors have the same powers as the tax collector himself would have if living, to enforce the collection of unpaid taxes until the end of two years, from the date of the warrant, or they may employ suitable persons to act for them in the execution of the warrants.[90]

88 Brennan's Appeal, 1 Walker 522; Lewis *vs.* Flanagan, 1 Leg. Rec. Rep. 141.

89 Act April 15, 1834, P. L. 509, Sec. 51, 2 P. & L. Dig. 4608. NOTE.—For townships of the first class, see section 92.

90 Act March 26, 1867, P. L. 45, Sec. 1, 2 P. & L. Dig. 4608.

CHAPTER XII.

TOWN CLERK.

SECTION
101. In townships of the first class.
SECTION
102. In townships of the second class.
103. Duties.

In Townships of the First Class.

101. In townships of the first class the board of commissioners shall elect a town clerk, who must be a qualified voter of the township and not a member of the board. He shall perform all the duties of town clerk, as prescribed by existing laws. He shall also act as secretary of the board, shall be the official keeper of the minutes and shall generally do and perform such duties as may be prescribed by ordinance of the board. His salary shall be fixed by ordinance.[1] The fact that the appointee is a member of the Legislature will not prevent his acting, since such offices are not incompatible under Art. 2, Sec. 6 of the Constitution.[2]

In Townships of the Second Class.

102. The electors of each township shall annually choose a town clerk, who shall serve for one year, and until a successor shall be duly elected or appointed. But such person shall not be elected unless he receive at least one-half of the number of votes polled at the same election for supervisors.[3] By section 83 of this act the court of quarter sessions is directed to appoint

1 Act May 28, 1899, P. L. 104, Sec. 19, 4 P. & L. Dig. 926.
2 Com. *vs.* Murphey, 25 Pa. C. C. 637, 15 York 99, 17 Montg. Co. 174.
3 Act April 15, 1834, P. L. 537, Sec. 81, 2 P. & L. Dig. 4685.

where a vacancy occurs by death, resignation or otherwise, or where there is a refusal or neglect to serve. The court may therefore appoint, when the person elected refuses to serve before the commencement of his term.[4]

Duties.

103. The town clerk shall be clerk to the supervisors and as such shall keep a record of the proceedings of the said officers. For this purpose he shall provide suitable books at the expense of the township. His records shall be open to search, for each of which searches he shall be entitled to a fee of ten cents. The compensation for his general duties shall be fixed by the supervisors.[5] In case he refuses to produce the books before the auditors when directed, an attachment may issue, and a commitment issue.[6]

He shall also receive and hold the oaths of township officers, which are by law required to be filed with him.[7]

4 Appointment of Town Clerk for Nether Providence Township, 10 D. R. 631; 8 Del. Co. 141; 14 York 167.

5 Act April 15, 1834, P. L. 537, Secs. 99, 100 and 101, 2 P. & L. Dig. 4685-6.

6 Twp. of McIntyre *vs.* Walsh, 137 Pa. 302.

7 Act April 15, 1834, P. L. 537, Sec. 86, 2 P. &. L. Dig. 4687.

CHAPTER XIII.

TOWNSHIP AUDITORS.

SECTION

104. Auditors in townships of the first class.
105. Township auditors.
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Auditors in Townships of the First Class.

104. In townships of the first class, a township auditor is to be elected annually who shall serve for three years.[1] His duties are the same as those to be performed by auditors in townships of the second class.[2]

Township Auditors.

105. Unless otherwise provided by special legislation, three auditors are to be chosen for a term of three years, one to be elected each year.[3] As in the case of other township officers an oath or affirmation must be taken before a duly authorized person, and a certified copy thereof filed with the town clerk, if any such there be.[4] But it has been said that on a mandamus to compel the resettling of accounts the court will not inquire into

1 Act April 28, 1899, P. L. 104, Sec. 4, 4 P. & L. Dig. 914.
2 Act April 28, 1899, P. L. 104, Sec. 20, 4 P. & L. Dig. 926.
3 Act April 15, 1834, P. L. 537, Sec. 81, 2 P. & L. Dig. 4693.
4 Act April 15, 1834, P. L. 537, Sec. 86, 2 P. & L. Dig. 4696.

the question of such qualifications, since the auditors acted as such *de facto,* if not *de jure.*[5]

Meetings.

106. By the Act of 1834 the auditors, two of whom duly convened shall be a quorum, were directed to meet on the second Monday of April, and oftener if necessary, to audit, settle and adjust the accounts of the supervisors, township treasurer and of such other township officers as shall be referred to them.[6] In 1874 the time was changed to the first Monday of June,[7] but was subsequently fixed again for the second Monday of April, except as to the accounts of school directors.[8] This was again altered to the second Monday of March, where it now stands,[9] except as to the accounts of the school directors and the school treasurer.

General Duties.

107. The duties to be performed by auditors are strictly statutory and consist in settling the accounts, viewing fences, and in certain counties appraising sheep damage. Unless by virtue of special legislation their functions go no further. The court will not therefore compel them by mandamus to countersign obligations of the township.[10]

Their various duties will be considered separately.

Duties as to Accounts.

108. It is the duty of the township auditors to audit, settle and adjust the accounts of the township officers as already noticed.

By the Act of May 21, 1857,[11] supplanting the Act of June

5 Com. *vs.* Auditors of Middletown, 2 Pears. 224.
6 Act April 15, 1834, P. L. 537, Sec. 102, 2 P. & L. Dig. 4689.
7 Act April 24, 1874, P. L. 112, Sec. 1, 2 P. & L. Dig. 4690.
8 Act March 31, 1876, P. L. 12, Sec. 1, 2 P. & L. Dig. 4690.
9 Act June 4, 1879, P. L. 94, Sec. 2, 2 P. & L. Dig. 4690.
10 Com. *vs.* Upper Darby Auditors, 2 D. R. 89, s. c. 5 Del. Co. 22.
11 Act May 21, 1857, P. L. 631, Sec. 1, 1 P. & L. Dig. 801.

13, 1836,[12] they are also required to settle the accounts of school treasurers of school districts. In case of independent school districts three special auditors are to be elected, one each year for a term of three years who shall be duly qualified, and receive two dollars per diem for each day necessarily employed.[13]

The accounts of supervisors who act as overseers of the poor by virtue of the Act of April 15, 1834,[14] and the Act of February 28, 1835,[15] are to be likewise settled by the township auditors.

Where overseers of the poor are elected [16] they are township officers, and their accounts are properly considered by the township auditors. In case the poor district is not co-extensive with the county in which it is situated, but is composed in part of the cities, boroughs and townships of a county, the accounts are to be audited annually by a board consisting of the senior auditors of each city, borough and township of which the district may be composed, on the second Monday of January of each year. Compensation of one dollar and fifty cents for each day actually employed is to be allowed. This legislation does not repeal local acts, which remain in force.[17]

Where a local act directs the appointment by the court of officers, here pathmasters, and auditors to settle their accounts, and the act is repealed, but directs that the officers shall hold until the end of the term for which appointed, the court cannot appoint auditors at the expiration of their service, but their account must be settled by the regular township auditors.[18]

12 Act of June 13, 1836, P. L. 525, Sec. 9.
13 Act May 10, 1893, P. L. 41, 2 P. & L. Dig. 4694.
14 Act April 15, 1834, P. L. 537, Sec. 94, 2 P. & L. Dig. 4698.
15 Act Feb. 28, 1835, P. L. 45, Sec. 9, 2 P. & L. Dig. 4698.
16 Act June 4, 1883, P. L. 66, Sec. 1, 2 P. & L. Dig. 4698.
17 Act June 18, 1881, P. L. 85, Secs. 1 and 2, 2 P. & L. Dig. 4693-4.
18 *In re* Pathmaster's Accounts, 10 Luz. L. Reg. 57.

Presentation of Claims.

109. A common law action for compensation for services rendered or money expended will not lie. An itemized claim must be presented to the auditors for adjudication,[19] and, if not appealed from, is conclusive.[20] And the finding of the auditors is binding not only upon the officer, but upon his surety.[21] So the latter is bound if he fails to appeal from a finding that certain moneys came into the hands of the supervisors in a certain year, and he cannot show in a suit upon the bond that the principal did not receive credit with all disbursements, and was improperly charged with the receipt of certain funds.[22] And if judgment be entered upon the bond by virtue of a warrant of attorney and be certified to the court of common pleas, the face of the record alone can be considered on a rule to open the same.[23]

To aid in the performance of the duties imposed the power is given to the auditors to compel the attendance of all parties and witnesses, and the production of books and papers, and to administer oaths and affirmations.[24] If an attachment be issued upon the failure of the town clerk to produce his books, he may be committed to jail. In such case, if he be released upon complying with the demands of the auditors, he cannot be charged with the cost of the process in the absence of agreement, there being no implied contract to so obligate himself.[25]

The jurisdiction of the auditors extends only to accounts of the preceding year, and any action taken by the auditors as to

19 Stolpe's Appeal, 11 Kulp 143.

20 Dyer *vs.* Covington Twp., 28 Pa. 186; Porter *vs.* School Directors, 18 Pa. 144; Brown *vs.* White Deer Twp., 27 Pa. 109.

21 Com. *vs.* Comer, 2 Leg. Rec. Rep. 334.

22 Com. *vs.* Sweigart, 9 Pa. Sup. 455; Com. *vs.* Smythe, 21 Lanc. L. R. 109.

23 Com. *vs.* Joyce, 3 Pa. Sup. 616, affirming 18 Pa. C. C. 193.

24 Act April 15, 1834, P. L. 537, Sec. 105, 2 P. & L. Dig. 4692.

25 McIntyre Twp. *vs.* Walsh, 137 Pa. 302.

previous accounts is invalid.[26] And such a finding would not be conclusive as to the surety though unappealed from.[27] But such action has been held proper where the accounts for previous years had never been audited.[28]

Effect of Settlement.

110. Where accounts have been settled the court will not compel by mandamus a resettling, though the first action was informal. Nor will it so order on the ground that the auditors were not properly qualified, since they were acting *de facto,* if not *de jure.*[29] But a settlement made by the auditors dependent upon the performance of a certain condition by the township treasurer, may be reopened by the same auditors, and a new adjustment made where the condition is not complied with.[30] If the accounts be settled by improper officers, and the vouchers destroyed, the adjustment will be considered *prima facie* evidence of the proper settlement in an action brought against the collector five years after, the township being estopped from objecting to the record by their laches.[31]

The finding should be of the amount due by each officer, but if two supervisors be jointly charged with the balance, and this decision be not appealed from, both will be bound.[32]

Conclusiveness.

111. As already noticed the finding of the auditors is conclusive, if unappealed from, and an action may be maintained

26 Leasure *vs.* Mahoning Twp., 8 Watts 551; Short *vs.* Gilson, 107 Pa. 315.

27 Com. *vs.* Scanlan, 202 Pa. 250.

28 Richter *vs.* Penn Twp., 9 Pa. 79; Swatara Township School District *vs.* Geesey, 7 D. R. 173. See Com. *vs.* Stofer *et al.,* 2 Pearson 224; Baer *vs.* Weaver, 3 Kulp 57.

29 Com. *vs.* Stofer *et al.,* 2 Pearson 224.

30 Com. *vs.* Allis, 19 Pa. Sup. 130.

31 Scott *vs.* Strawn, 85 Pa. 471. Here the auditors settled the accounts of a collector of county tax for which no authority was given by the Acts of 1864 or 1866.

32 Township of Carbondale *vs.* Bonner, 5 Kulp 381.

11 Act May 21, 1857, P. L. 631, Sec. 1, 1 P. & L. Dig. 801.

against the officer for the balance found due.[33] Or against the surety.[34] Or both.[35] But such action must be begun within six years or the statute of limitations will bar a recovery.[36] If judgment be entered against a principal, deceased, and sureties, it may be stricken off as to the former.[37] It is not necessary that a *scire facias* issue to determine the exact amount due for which execution shall issue, the judgment being within the control of the court who will protect those interested.[38] If judgment be entered against the supervisor upon appeal on the ground that certain payments were improvident, though not fraudulent, an affidavit of defense by the surety will be sufficient, which avers that the balance due did not arise from any breach of the bond, and that the defendant was not a party to the appeal proceeding.[39]

If the balance be found in favor of the officer, and is unappealed from, a special tax may be ordered to pay the same by virtue of the Act of March 31, 1864. It would seem that this method of collection is exclusive since this statutory remedy has been provided.[40] Prior to this legislation it had been held that a common law action could be maintained.[41]

Report of Auditor.

112. The report of the township auditors shall be filed with the town clerk, if there be one, and if there be no town clerk, it shall remain with the senior auditor, for the inspection of all

33 Com. *vs.* Allis, 19 Pa. Sup. 130; Tracy *vs.* Titusville School District, 3 Walk. 263.

34 Com. *vs.* Sweigart, 9 Pa. Sup. 455; Shartzer *vs.* Washington Bor. School District, 90 Pa. 192; Com. *vs.* Gruver, 13 Pa. Sup. 553.

35 Com. *vs.* Allis, 19 Pa. Sup. 130.

36 Porter *vs.* School Directors, 18 Pa. 144.

37 Com. *vs.* Joyce, 3 Pa. Sup. 616.

38 Com. *vs.* Joyce, 18 Pa. C. C. 193, affirmed in 3 Pa. Sup. 616.

39 Hazle Township *vs.* Markle, 175 Pa. 405.

40 Barrett *vs.* Plymouth Twp., 13 Montg. Co. 46.

41 Carney *vs.* Wheatfield Township, 4 W. & S. 215.

persons concerned.[42] This is not required in the case of the treasurer of the school board.[43]

Within ten days after the settlement the auditors are required to publish all accounts passed upon by them by posting hand bills giving an itemized statement of receipts and expenditures in at least five public places within their respective township. If any two offices shall be exercised by one person only one statement as to his accounts is required.[44] This legislation does not authorize the publication of the auditors' statement in a newspaper at the expense of the township.[45] But this act does not interfere with any other legislative enactment requiring annual statements by road commissioners, supervisors, overseers of the poor or school directors to be published in newspapers in their respective localities.[46]

A copy of the statement posted shall be filed with the town clerk, and also with the clerk of the court of quarter sessions, which shall at all times be subject to inspection by any citizen of the district.[47] It was held under the local Act of February 17, 1859,[48] relating to Schuylkill county, which directed the filing of the statement with the clerk of the quarter sessions, that the filing of a copy was sufficient, even if the local act was not repealed by that of April 24, 1874.[49]

For any violation of the Act of 1874 a penalty of twenty dollars is imposed to be sued for in the name of the school district upon complaint of any taxpayer, the proceeds to be paid into the treasury of the school district.[50]

42 Act April 15, 1834, P. L. 537, Sec. 103, 2 P. & L. Dig. 4690; Plains Twp. Audit, 15 Pa. C. C. 408.
43 Com. *vs.* Auditors of Middletown, 2 Pears. 224.
44 Act April 24, 1874, P. L. 112, Sec. 2, 2 P. & L. Dig. 4692.
45 Lubrecht *vs.* Hazle Twp., 10 Kulp 482.
46 Act April 24, 1874, P. L. 112, Sec. 2, 2 P. & L. Dig. 4692.
47 Act April 24, 1874, P. L. 112, Sec. 2, 2 P. & L. Dig. 4692.
48 Act Feb. 17, 1859, P. L. 51.
49 Com. *vs.* Joyce, 3 Pa. Sup. 609.
50 Act April 24, 1874, P. L. 112, Sec. 3, 2 P. & L. Dig. 4693.

Appeal.

113. The township, or officer accounting, is given the right to appeal to the court of common pleas of the county within thirty days after the settlement of the accounts, the court having the power to direct an issue to determine disputed facts if necessary. The appellant is required to enter into a recognizance, with two sufficient sureties, conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon.[51] Subsequently this privilege was extended to any taxpayer in case a recognizance is entered into to pay the costs if the final decision be not favorable to the township or district.[52] The appeal by the taxpayer is of like effect as if the township were the appellant,[53] but it must appear that the appellants are taxpayers.[54]

It must appear by the record what accounts are questioned.[55] The appeal must be taken within thirty days.[56] But a party is not to be deprived of this right by acts or omissions of the public officers. Therefore if the appellant be deceived as to the time of settlement, the appeal may be allowed *nunc pro tunc*.[57] The date fixed in the report as that of settlement is deemed conclusive in the absence of clear evidence of fraud or mistake.[58] In computing the period allowed for appeal the day of settlement is to be excluded, and if the thirtieth thereafter falls on Sunday, the entry of the appeal on Monday will be sufficient.[59]

51 Act April 15, 1834, P. L. 537, Sec. 104, 2 P. & L. Dig. 4691.

52 Act April 14, 1851, P. L. 612, Sec. 19, 2 P. & L. Dig. 4691—required two sufficient sureties; Act May 1, 1876, P. L. 88, Sec. 1, 2 P. & L. Dig. 4691 required one or more sufficient sureties.

53 Brennan's Appeal, 1 Walk. 522; School District of Pittston Twp., 1 Kulp 253.

54 Speicher *vs.* Clifton Township, 1 Kulp 465.

55 Speicher *vs.* Clifton Township, 1 Kulp 465.

56 Chanceford Twp. *vs.* Craley, 11 D. R. 724.

57 Plains Township Audit, 15 Pa. C. C. 408.

58 Township of Shippen *vs.* Burlingame, 20 W. N. C. 254.

59 McCready *vs.* McGovern, 1 Kulp 474.

Recognizance.

114. The appeal is a nullity unless the recognizance required by the act be entered into.[60] If it be defective, the court may permit bail to be given within a specified time. It will not be bad because not attested, where it was taken by the proper officer. Such a defect can be cured upon motion.[61]

Power of Court to Modify.

115. The court may modify the adjustment made,[62] or may direct an issue to determine disputed questions of fact, if necessary.[63] From the decision of the court of common pleas, no appeal to the Superior or Supreme Courts lies. The whole proceeding is statutory, and no provision has been made for such review.[64] In Brennan's Appeal [65] the record was considered on *certiorari.*

Costs.

116. In all cases of appeals from the decision of township auditors, settling the accounts of township officers, to the court of common pleas of any county, the costs shall abide the event of the suit.[66] When the appeal is taken the recognizance is given to pay costs, if the final decision is not more favorable to the township or district. If not, costs are payable by the appellant.[67] If a taxpayer has appealed, costs may be recovered from the township, which in turn has recourse against him.[68] If the decision be more favorable, then costs are to be paid by the appellees.[69]

60 McCready *vs.* McGovern, 1 Kulp 474.
61 Speicher *vs.* Clifton Township, 1 Kulp 465.
62 Brennan's Ap., 1 Walker 522.
63 Act April 15, 1834, P. L. 537, Sec. 104, 2 P. & L. Dig. 4691.
64 Gangewere's Ap., 61 Pa. 342; Thomas *vs.* Upper Merion Twp., 148 Pa. 116; Mohney *vs.* Red Bank School District, 15 Atl. 891; Spring Brook Twp. *vs.* Thomas, 8 Luz. L. Reg. 112.
65 Brennan's Appeal, 1 Walker 522.
66 Act May 6, 1844, P. L. 565, Sec. 6, 2 P. & L. Dig. 4692.
67 Anderson's Ap., 9 Pa. C. C. 567.
68 School District of Pittston Twp. *vs.* Walsh, 1 Kulp 253.
69 Overseers of Rush Twp. *vs.* Lynn, 4 D. R. 651.

Compensation.

117. The compensation of township auditors shall be two dollars per diem for each day necessarily employed in the duties of his office.[70] This sum is payable by the township treasurer where such office exists.[71] The Act of 1889 did not interfere with or change any local or special law, by which a larger amount than $2.00 per day was authorized.[72]

Vacancies.

118. Vacancies in the board of township auditors occurring by reason of failure to elect, by neglect or refusal to serve, by death or otherwise shall be filled by the court of quarter sessions of the proper county until the next annual election.[73] Such a vacancy occurs where there is a failure to perform the duties imposed by law to audit the accounts of township officers, though the reason for the failure was the neglect of the officers to produce their books on notice. This is no valid excuse, for the reason that statutory authority is given by which the appearance can be compelled.[74]

Duties as to Fences.

119. In addition to the duties imposed upon township auditors in the settlement of accounts they are required to perform the duties of fence viewers. Before assuming their duties they are required to take an oath to faithfully and impartially act in such capacity,[75] but a failure to do so will not render their certificate invalid.[76] In case of the death, removal or resignation of any fence viewers and auditors, so elected, the judges of the court of quarter sessions [77] of the proper county shall appoint

70 Act May 4, 1889, P. L. 86, Sec. 1, 2 P. & L. Dig. 4692.
71 Act April 15, 1834, P. L. 537, Sec. 106.
72 Act May 4, 1889, P. L. 86, Sec. 1, 2 P. & L. Dig. 4692.
73 Act April 5, 1834, P. L. 537, Sec. 83, 2 P. & L. Dig. 4696.
74 Pittston Twp. Auditors, 8 Kulp 139.
75 Act March 11, 1842, P. L. 62, Sec. 1, 1 P. & L. Dig. 2084.
76 Shriver *vs.* Stephens, 20 Pa. 138.
77 This court was given jurisdiction by the Act of April 15, 1834, P. L. 537, Sec. 83, 2 P. & L. Dig. 4696. See Jayne *vs.* Smith, 9 Pa. C. C. 494.

a suitable person to fill the vacancy for the unexpired term of the person whose place is vacant.[78] It is to be noticed that the Act of 1834 provided for the filling of vacancies in the office of auditor until the next annual election, but that the Act of 1842 provides that the person appointed fence viewer shall serve for the balance of the unexpired term.[79]

Duties of Fence Viewers.

120. The purpose of providing for fence viewers was to secure a method by which division fences should be kept up and the expense thereof be equitably adjusted between the land owners. This summary proceeding is not to be used to settle disputed boundary lines.[80] It provides for the cases when any two persons shall improve lands adjacent to each other or when any person shall enclose any land adjoining to another's land already fenced in so that any part of the first person's fence becomes the partition fence.[81] And the method provided for adjusting the proportionate shares must be pursued. Until this is done one owner cannot maintain an action against the other to compel payment of his part.[82]

Notice shall be given by the viewers, within five days after they have been notified of any dispute, to the parties interested. A failure to give such notice will not invalidate the proceedings when the party objecting was present at the view without complaining there of the omission to give previous notice.[83]

Upon the day appointed the fence viewers, of whom a majority shall be a quorum,[84] shall view and examine the line fence in dispute, and make out a certificate in writing, setting forth whether, in their opinion, the fence already built is sufficient, and if not, what proportion of the expense of building a

78 Act May 11, 1842, P. L. 62, Sec. 2, 1 P. & L. Dig. 2084.
79 Jayne *vs.* Smith, 9 Pa. C. C. 494.
80 Trego *vs.* Pierce, 119 Pa. 139.
81 Act May 11, 1842, P. L. 62, Sec. 3, 1 P. & L. Dig. 2085.
82 Weaver *vs.* Block, 18 Montg. 195.
83 Shriver *vs.* Stephens, 20 Pa. 138.
84 Act May 11, 1842, P. L. 62, Sec. 8, 1 P. & L. Dig. 2086.

new or repairing the old fence should be borne by each party, and in each case they shall set forth the sum which, in their judgment, each party ought to pay to the other, in case he shall repair or build his portion of the fence, a copy of which certificate shall be delivered to each of the parties.[85]

The certificate of the fence viewers is not void because uncertain and omissions even of material matters may be supplied by parol.[86] So the report will be sustained, where the certificate sets forth the number of panels requiring resetting and repairing, though it fails to set forth the sum which the defendant ought to pay.[87]

The decision of the fence viewers is final and no appeal lies therefrom.[88] If the party shall be delinquent in making or repairing the fence within ten days after the copy of the certificate shall have been delivered to him, or shall fail to complete the same within a reasonable time, the parties aggrieved may repair or build the fence, and maintain an action before a justice of the peace to recover for the work, labor, service done, and materials found, from the decision of which justice either party may appeal.[89] A statement that "plaintiff's demand is for $3.90 for viewing a line fence, October 9, 1897, between the improved lands of David Zartiman and said defendant, he being the delinquent," is sufficient.[90]

Jurisdiction of the justice is not to be ousted by raising a question of title to the land upon which the fence stands.[91]

Penalty for Neglect of Duty.

121. If any viewer shall neglect or refuse to perform the

85 Act May 11, 1842, P. L. 62, Sec. 4, 1 P. & L. Dig. 2085.

86 Shriver *vs.* Stephens, 20 Pa. 138.

87 Roberts *vs.* Sarchet, 14 Pa. C. C. 372—the Act of 1842 is not repealed by the Act of April 4, 1889, P. L. 27, which repealed the Act of 1700, 1 Smith's Laws 13, requiring the erection of fences.

88 Evans *vs.* Jayne, 23 Pa. 34.

89 Act May 11, 1842, P. L. 62, Sec. 5, 1 P. & L. Dig. 2086.

90 Sunday *vs.* Shuler, 12 York 134.

91 Stephens *vs.* Shriver, 25 Pa. 78.

duties enjoined upon him, he shall pay for each neglect or refusal, the sum of $3.00 to be recovered by the party aggrieved as debts of a like amount are recoverable.[92] But the viewers shall not be called out to view any fence between the first day of November and the first day of April of the next year.[93]

Compensation.

122. Fence viewers shall receive the sum of one dollar for every day necessarily spent by them in the discharge of their duties which they shall be entitled to receive from the delinquent party, or in equal sums from each, as they shall decide to be just.[94]

92 Act May 11, 1842, P. L. 62, Sec. 7, 1 P. & L. Dig. 2086.
93 Act May 11, 1842, P. L. 62, Sec. 6, 1 P. & L. Dig. 2086.
94 Act May 11, 1842, P. L. 62, Sec. 4, 1 P. & L. Dig. 2085.

CHAPTER XIV.

OTHER OFFICERS.

SECTION
123. Fire wardens.
124. Free commissioners.
125. Board of health.
126. Constables.
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128. Filling of vacancies.
129. Duties.
130. Duties.
131. Election.
132. Term.
133. Acceptance of office.
134. Filling of vacancies.
135. Contested elections.
136. Removal of justices.
137. Bond.
138. Duties.
139. Election officers.

Fire Wardens.

123. By the Act of March 30, 1897,[1] constables of townships were made *ex officio* fire wardens. Their compensation is payable by the county commissioners at the rate of fifteen cents per hour. Those whom they call to their assistance are likewise to be paid twelve cents per hour. The purpose of this act was not to permit the owner of timber lands to call upon constables and thus cast the burden of extinguishing fires upon the county, but to provide for those cases where the constable calls upon citizens.[2] It has been held that this compensation cannot be recovered from the county, because of the defective title of the statute, which fails to indicate such a purpose.[3] The question was left open in Baker *vs.* The County of Warren.[4] The right to recover was affirmed by the deputy attorney general in the Forestry Case.[5]

1 Act March 30, 1897, P. L. 9, 3 P. & L. Dig. 326.
2 Baker *vs.* County of Warren, 11 Pa. Sup. 170.
3 Hart *vs.* Tioga County, 25 Pa. C. C. 273.
4 Baker *vs.* County of Warren, 11 Pa. Sup. 170.
5 Forestry Case, 9 D. R. 537.

Constables of townships are made *ex officio,* fire, game, and fish wardens. It is their duty to enforce the statutes for the protection of forest and timber lands from fire, and for the protection of game and fish. Their compensation in addition to their ordinary fees for the arrest and prosecution shall be ten dollars, one-half to be paid by the county, and the other one-half by the State. The neglect or refusal to perform these duties is made a misdemeanor.[6]

Tree Commissioners.

124. It is the duty of the auditors to appoint three competent freeholders of the township who shall hold office during the pleasure of the said board, and who shall examine trees or fruits supposed to be infected. The commissioners shall file acceptances within ten days after their appointment with the clerk of the township who shall be *ex officio* clerk of the board. A record of their proceedings shall be kept and all papers shall be filed.

It is made unlawful to keep any orchard or nursery tree or trees infected with the contagious diseases known as yellows, black knot, peach rosette or pear blight; or any vine, plant, shrub, orchard or nursery tree or trees, infected with the San Jose Scale; or to offer for sale or shipment, or to sell or to ship, any of the fruit thereof, except the fruit of the plum, cherry and pear tree. The duty of the commissioners is to determine whether there is any violation of these provisions.

In case a tree or fruit is found to be infected, a notice containing a statement of the facts shall be given the owner to be signed by two or more of the commissioners directing the destruction of the tree or fruit within five days, Sunday excepted. The owner may appeal, however, in writing to the Secretary of the Department of Agriculture who shall detail an inspector to view the trees, the decision of whom shall be final.

If the owner fail to destroy the trees condemned or shall sell

6 Act March 22, 1899, P. L. 17, 4 P. & L. Dig. 874.

any fruit declared to be infected, he shall be guilty of a misdemeanor, and the tree commissioners or their agents shall themselves destroy the tree or fruit, for the execution of which power they may enter upon the premises of such owner. It shall, however, be sufficient to extinguish the San Jose Scale with effective insecticides. The expenses of so doing, as well as the expenses of an inspector if called upon, shall be paid by the township.

The commissioners shall be allowed two dollars for each full day and one dollar for each half day, and their other charges and disbursements by the township board. All of the expense incurred may be recovered in an action of *assumpsit* from the owner of the trees or fruit, in case he has refused to remove the same in compliance with the order of the commissioners.[7]

Board of Health.

125. The school directors of each township are constituted a board of health in addition to the other powers vested in them. As such they have power to make and enforce all needful rules and regulations to prevent the introduction and spread of contagious diseases. To aid in effecting this result, physicians are required to report to the secretary of the school board the names and residences of all persons coming under their professional care, afflicted with a contagious or infectious disease within twenty-four hours after the development of any such disease. In case of the prevalence of any contagious or infectious disease, the board or its sanitary agent may enter upon any suspected premises for the purpose of abating any nuisance found thereon detrimental to the public health.

A sanitary agent may be appointed to assist the board in its duties, in case of approval of the court of common pleas of the county in which the township is located, upon an application

7 Act April 28, 1899, P. L. 92, 4 P. & L. Dig. 1487. For the earlier legislation upon this subject, see the Act of June 18, 1897, P. L. 172, 3 P. & L. Dig. 605.

setting forth the reasons which make the appointment necessary, and the compensation which it deems proper to pay for such services in such case. In a proper case the court may authorize the appointment for such term as it may fix, and for such compensation as it may deem proper, which shall be paid out of the school fund of the township.[8]

In making the appointment of agent the court will ordinarily follow the suggestion of the board as to the person to be chosen.[9]

Constables.

126. The qualified voters of every township are directed to elect a properly qualified person for constable triennially on the third Tuesday of February, which officer shall serve for three years.[10] Because of confusion in the date of the commencement of terms of office under the Act of 1889, supplementary legislation was passed fixing the date of election as the third Tuesday of February, 1896, and every third year thereafter so that the elections throughout the State should be uniform.[11] This legislation diminished the terms of certain officers, but was nevertheless constitutional, since the Legislature has that power.[12]

The election is valid, though the office is not mentioned in the election proclamation, if the public at large has notice, and a fair vote is polled.[13] If the person chosen has acted as judge at his election, he is disqualified and may be ousted upon *quo warranto*.[14] If the officer be elected for three years, he can-

8 Act April 11, 1899, P. L. 38, 4 P. & L. Dig. 857.

9 West Wheatfield Twp.'s Agent, 24 Pa. C. C. 182.

10 Act February 14, 1889, P. L. 6, Sec. 1, 1 P. & L. Dig. 867.

11 Act June 26, 1895, P. L. 375, Sec. 1, 3 P. & L. Dig. 169.

12 Com. *vs.* Benfield, 5 D. R. 382; Allegheny Co. Constables, 17 Pa. C. C. 622; Koller's Petition, 9 York 165.

13 Bongard's Petition, 16 Phila. 491.

14 Schaffer's Election, 27 Pa. C. C. 443.

not qualify himself under the second election by resigning under the first.[15]

The newly elected constable is to be notified by the acting constable in writing within six days. A failure so to do subjects the officer to a penalty of sixteen dollars, and a penalty of forty dollars to be forfeited to the township is imposed upon the new constable if he shall refuse or neglect to appear on the first day of the next court of quarter sessions to decline or accept the said office.[16]

It has been questioned whether the date of commencement of office has been changed by the Act of March 10, 1875,[17] and the Act of June 4, 1879,[18] which provide for the terms of township officers. It has been held that this legislation did not have such effect.[19]

Qualifications.

127. Upon the appearance of the constable at the court of quarter sessions he shall give bond with at least one sufficient surety to be approved by the court in a sum not less than $500.00 nor more than $3000.00 unless he shall possess a freehold estate in his own right clear of all encumbrances of the value of at least $1000.00.[20] A presentation of the bond before the time mentioned is premature, and the same will not be approved.[21] He is not required, as are strict township officers, by the Act of 1834 to file a copy of his official oath with the town clerk.[22]

In case he refuses to accept his office or perform his duties,

15 Burrell Twp. Constable, 11 Pa. C. C. 436.

16 Act Mar. 1, 1799; 3 Smith's Laws 354, Sec. 6; Act April 15, 1834, P. L. 537, Sec. 107, 1 P. & L. Dig. 868.

17 Act March 10, 1875, P. L. 6, 2 P. & L. Dig. 4694.

18 Act June 4, 1879, P. L. 94, 2 P. & L. Dig. 4695.

19 *In re* Commencement of Term of Constables, 11 D. R. 422; *In re* Approval of Constable's Bond, 5 D. R. 185.

20 Act April 15, 1834, P. L. 537, Secs. 108, 112, 1 P. & L. Dig. 869.

21 *In re* Approval of Constable's Bond, 5 D. R. 185; 43 P. L. J. 338.

22 Brunott *vs.* McKee, 6 W. & S. 513.

when he possesses a freehold estate of the value of $1000.00, or shall fail to procure a deputy to undertake those duties, he shall be fined by the court in the sum of forty dollars for the use of the proper township, unless he has served as constable or deputy within 15 years or has paid the penalty for refusal to do so.[23]

The mere fact that a charge of immorality has been made against the officer will not prevent his acting.[24]

Filling of Vacancies.

128. The Act of April 15, 1834, directed the court of quarter sessions to appoint a duly qualified person in case of a vacancy in the office of constable until the next annual election.[25] The Act of February 14, 1889,[26] with its supplement of June 26, 1895,[27] provided a uniform time for the election of constables, but fixed no method for filling vacancies. Confusion therefore arose under this act as to whether the appointment should be until the next annual election or for the balance of the unexpired term. The former has been held in the following cases:[28] The contrary has been held by other courts.[29]

By the Act of March 11, 1903,[30] the court of quarter sessions was directed to fill any vacancy occurring for the unexpired term.

In case of a vacancy arising by reason of a tie vote, the appointment is to be made by the governor, and not by new elec-

23 Act April 15, 1834, P. L. 537, Secs. 110-111, 1 P. & L. Dig. 869.

24 *Ex parte* Miller, 1 Browne 349.

25 Act April 15, 1834, P. L. 537, Sec. 109, 1 P. & L. Dig. 869.

26 Act Feb. 14, 1889, P. L. 6, 1 P. & L. Dig. 867.

27 Act June 26, 1895, P. L. 375, 3 P. & L. Dig. 169.

28 Dauphin Borough Constable, 4 D. R. 35; Rudy's Case, 9 Pa. C. C. 467; Green Township Constable, 1 D. R. 711; Carr's Case, 1 D. R. 262; *In re* Davis, 7 Kulp 355, 3 D. R. 677.

29 Tyson's Bond, 2 D. R. 633; Sadsbury's Constable, 3 D. R. 589; Beaver Falls Nomination, 3 D. R. 677; Orren English's Case, 16 Pa. C. C. 129; Murphy's Case, 19 Pa. C. C. 160.

30 Act March 11, 1903, P. L. 22.

tion as was provided by the Act of July 14, 1840, since that legislation has been repealed by article 8, section 3 of the Constitution and the Act of March 22, 1877.[31]

Duties.

129. It is not our purpose to enter into a consideration of powers and duties of constables, since these officers are not peculiar to townships. This matter is fully treated in Dill's Constables' Guide.

Justices of the Peace.

130. The 11th section of article 5 of the Constitution enacts that "except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships, at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace, or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election.[32]

For election purposes under the Act of June 10, 1893, as amended by the Act of July 9, 1897, justices of the peace are township officers.[33] But they have been held State officers within the meaning of the Act of June 29, 1881,[34] relating to frauds at primary elections.[35]

31 Keller *vs.* Hoffman, 17 Lanc. L. Rev. 238.

32 Const. 1874, Sec. 11, Art. 5, 1 P. & L. Dig. 71.

33 Reed's Nomination, 10 D. R. 210; 24 Pa. C. C. 636; Ringler's Nomination, 8 D. R. 620—the contrary was held in Donahoe *vs.* Johnson, 8 D. R. 316; 22 Pa. C. C. 191.

34 Act June 29, 1881, P. L. 128, 1 P. & L. Dig. 1183.

35 Com. *vs.* Snyder, 17 Pa. C. C. 321; 5 D. R. 121.

Election.

131. The number of justices to be chosen in each township was fixed at two by the Act of June 21, 1839.[36] But this number may be increased by popular vote [37] by not more than two. But if more than that number be chosen, the increase will be valid to the statutory limit.[38] When a new township is erected, a special election for justices shall be held,[39] of which notice shall be given.[40] The said election shall be conducted by the regular election officers.[41]

The person chosen must have been a resident of the township for one year next preceding his election.[42] No one is entitled to vote at the election unless he reside in the district.[43] But the right of a justice to hold his office cannot be inquired into collaterally.[44]

Returns of the election are to be made to the prothonotary of the proper county who shall send a certified copy to the secretary of the Commonwealth.[45] The Act of February 13, 1874,[47] amending the Act of January 30, 1874,[48] made provision for return of all township elections to the court of quarter sessions. In Timlin's Case [49] it was held that the Acts of 1839 and 1874 were cumulative, and return should be made to both places. But this decision was prior to the Act of June 10, 1893, which provided for but one ballot.[50]

36 Act June 21, 1839, P. L. 376, Sec. 1, 1 P. & L. Dig. 2531.
37 Act June 21, 1839, P. L. 376, Sec. 4, 1 P. & L. Dig. 2537.
38 Justices of the Peace of South Bethlehem Boro., 11 D. R. 734.
39 Act July 11, 1842, P. L. 321, Sec. 44, 1 P. & L. Dig. 2532.
40 Act April 5, 1849, P. L. 555, 1 P. & L. Dig. 2532.
41 Act June 21, 1839, P. L. 376, Secs. 8, 9, 1 P. & L. Dig. 2533.
42 Constitution of 1874, Art. 5, Sec. 11, 1 P. & L. Dig. 71.
43 Pittston Borough Election, 3 Luzerne L. Reg. 3.
44 Humer *vs.* Cumberland County, 22 Pa. C. C. 541; s. c. 8 D. R. 528; McKim *vs.* Somers, 1 P. & W. 297.
45 Act June 21, 1839, P. L. 376, Sec. 2, 1 P. & L. Dig. 2533.
47 Act Feb. 13, 1874, P. L. 44, Sec. 2, 1 P. & L. Dig. 1797.
48 Act January 30, 1874, P. L. 38, 1 P. & L. Dig. 1797.
49 Timlin's Case, 4 Pa. C. C. 535.
50 Act June 10, 1893, P. L. 419; Sharon Hill Elec. Case, 3 Lack. Jur. 396.

Term.

132. The term of office of the justice expires on the first Monday of May.[51] It is made the duty of the constable of the township to give notice of the expiration of the term of the justice by at least twenty days' advertisement preceding the election to be held on the third Tuesday of February of each year, as well as to give similar notice of any vacancy that may happen by death, resignation or otherwise.[52] But an election held at the proper time and place cannot be contested on the ground that notice to hold it was not given by the proper officers.[53]

Acceptance of Office.

133. The justice elected is required to file an acceptance of his office with the prothonotary of the county, stating the name of the justice whom he succeeds with the cause of vacancy. The prothonotary shall thereupon certify the said acceptance to the secretary of the Commonwealth.[54] Until this acceptance is received no commission shall issue, and it is directed that the same shall be filed within 30 days.[55] This statutory direction as to time is not repealed by the Act of March 22, 1877.[56] But it has been held to be merely directory.[57] When the commission is returned it shall be recorded.[58]

Filling of Vacancies.

134. In case of vacancies arising from death, resignation, failure to accept within 60 days or otherwise, such vacancy shall be filled by appointment by the Governor until the first

51 Act March 22, 1877, P. L. 12, Sec. 1, 1 P. & L. Dig. 2533.
52 Act March 22, 1877, P. L. 12, Sec. 2, 1 P. & L. Dig. 2533.
53 Battis *vs.* Price, 2 Pearson 456.
54 Act March 22, 1877, P. L. 12, Sec. 4, 1 P. & L. Dig. 2534.
55 Act April 13, 1859, P. L. 592, Sec. 1, 1 P. & L. Dig. 2540.
56 Act March 22, 1877, P. L. 12; Timlin's Case, 4 Pa. C. C. 535—Justices of the Peace, 4 Pa. C. C. 539.
57 Com. *vs.* Reno, 25 Pa. C. C. 442.
58 Act April 11, 1840, P. L. 240, Sec. 5, 1 P. & L. Dig. 2540.

Monday of May succeeding the next ward, district, borough or township election.[59] Insanity of a justice of the peace does not create a vacancy within the meaning of this act.[60] At the next annual election a justice shall be elected by popular vote.[61] In case the vacancy occurs within 20 days of any February election the new officer shall not be elected until the February of the following year.[62]

Contested Elections.

135. The secretary of the Commonwealth is not to decide conflicting claims to determine whether a commission shall be issued.[63]

When there has been a failure to elect because of a tie vote the election shall be declared void by the court, and a new election ordered at a time to be fixed by it at a date not less than 20 days after the date of the making of the order of which the constable shall give notice as prescribed by law.[64] The returns of all elections for justices are subject to inquiry by the court upon complaint of 15 or more qualified voters of the township, two of whom shall take and subscribe an oath or affirmation setting forth the causes of complaint.[65]

By the Act of May 19, 1874,[66] the court of quarter sessions is given jurisdiction of such proceeding. Pending the decision of the contested election the justice in commission shall continue to discharge the duties of the office.[67]

59 Act March 22, 1877, P. L. 12, Sec. 3, 1 P. & L. Dig. 2534.
60 Swanck's Case, 16 Pa. C. C. 318; Huth's Case, 4 D. R. 233.
61 Act June 21, 1839, P. L. 376, Sec. 7, 1 P. & L. Dig. 2534.
62 Justice of the Peace Appointments, 16 Pa. C. C. 335, s. c. 4 D. R. 142.
63 Commission of Justice of the Peace, 8 D. R. 295, *sub nom.;* Vance's Case, 22 Pa. C. C. 413; 30 P. L. J. N. S. 46.
64 Act June 13, 1840, P. L. 689, Sec. 1, 1 P. & L. Dig. 2535.
65 Act June 21, 1839, P. L. 376, Sec. 3, 1 P. & L. Dig. 2536.
66 Act May 19, 1874, P. L. 208, Sec. 16, 1 P. & L. Dig. 894.
67 Act April 15, 1845, P. L. 465, Sec. 21, 1 P. & L. Dig. 2537.

Removal of Justices.

136. Justices may be removed during their term of office for cause shown.[68] They are such officers as cannot be removed except "on conviction of misbehavior in office or of an infamous crime." [69] A new commission to another will not be granted until a court determines whether the conviction was within the meaning of article 3, section 7 of the Constitution.[70]

Bond.

137. The justice is required to furnish bond in a sum not less than five hundred dollars to be fixed by the court of common pleas, unless he possess a freehold estate to that amount, which bond shall be taken by the prothonotary in the name of the Commonwealth.[71] In case the surety subsequently has reason to believe that the justice is or may become insolvent, the court of common pleas, either at term or at chambers, upon application and proof may require additional security.[72] The same may be done where the surety is jeopardized by reason of the intemperate habits of the justice.[73] A rule for additional security will be discharged where the affidavit was not served as required by the rules of court, where no depositions were taken, and the respondent did not appear.[74]

Duties.

138. There is nothing peculiar to townships in the duties to be performed by the justice of the peace, and a consideration of them will not be undertaken.

Election Officers.

139. The 15th section of the Act of January 30, 1874,[75]

68 Act June 21, 1839, P. L. 376, Sec. 13, 1 P. & L. Dig. 2538.
69 Com. *vs.* Raudenbush, 2 Just. Law Rep. 99.
70 McDonald's Case, 6 D. R. 518.
71 Act June 21, 1839, P. L. 376, Sec. 6, 1 P. & L. Dig. 2541.
72 Act April 21, 1846, P. L. 432, Sec. 5, 1 P. & L. Dig. 2542; Act May 8, 1850, P. L. 713, Sec. 9, 1 P. & L. Dig. 2542.
73 Act April 16, 1849, P. L. 664, Sec. 3, 1 P. & L. Dig. 2542.
74 *In re* Petition of Graham, 10 Kulp 106.
75 Act January 30, 1874, P. L. 31, 1 P. & L. Dig. 1718.

provides for an annual election in each election district of one person as judge and two inspectors, in conformity with the general laws of the Commonwealth, and also of one assessor. Each inspector shall appoint one clerk.[76] Of the election of inspectors, notice is to be given for ten days by six or more written or printed advertisements by the constable,[77] or in his absence, or upon his neglect so to do, then by the supervisors or assessors for five days. Article 8, section 14 of the Constitution gives each elector the right to vote for only one inspector, but this will not prevent the election of two inspectors of the same political party.[78]

Under the provision of article 8, section 15 of the Constitution no person shall be eligible to such office who shall hold within two months of the election an office under the United States, State, city, or county government. A township officer is not therefore within this prohibition.[79] Or a school director.[80] But a postmaster would be.[81] In the case of township officers, the judge, the inspector or clerk may act, though a candidate.[82] This provision is not affected by article 8, section 15 of the Constitution.[83] Nor is it repealed by the Act of June 19, 1891.[84] For like reasons it should not be affected by the Act of June 10, 1893.[85]

Special elections are to be conducted by the same officers and in the same manner as general elections.[86] This provision re-

76 Act July 2, 1839, P. L. 519, Sec. 15, 1 P. & L. Dig. 1720.
77 Act July 2, 1839, P. L. 519 Sec. 1, 1 P. & L. Dig. 1718.
78 *In re* Election Officers, 9 D. R. 83.
79 Marks *vs.* Park, 2 Leg. Rec. Rep. 62.
80 Dauphin Co. Dist. Attorney, 11 Phila. 645.
81 Marks *vs.* Park, 2 Leg. Rec. Rep. 62.
82 Act June 13, 1840, P. L. 683, Sec. 2, 1 P. & L. Dig. 1759.
83 Walker's Contested Election, 3 Luz. L. Reg. 130.
84 Act June 19, 1891, P. L. 349, Sec. 10; *In re* McKenzie's Election, 2 D. R. 518, 13 Pa. C. C. 546.
85 Act June 10, 1893, P. L. 419, Sec. 10, 1 P. & L. Dig. 1757.
86 Act Jan. 30, 1874, P. L. 31, Sec. 23, 1 P. & L. Dig. 1840.

pealed the Act of April 20, 1854, which required the officers of the preceding election to conduct the special one.[87]

Where townships are divided in forming new election districts, each district shall elect the officers mentioned to conduct the elections.[88] The Act of January 30, 1874,[89] provided that for the first election in such case that the court of common pleas should appoint election officers. This provision was stricken out by the Act of May 18, 1893,[90] and it would now seem that the court of quarter sessions should appoint.[90*]

Vacancies occurring in the board before election, are to be filled by the court of common pleas.[91] The removal of the officer creates such vacancy.[92] When a vacancy occurs on election day in the office of judge, the inspector who received the highest number of votes shall appoint. Where it occurs in the office of first inspector, then the judge shall appoint, and where it occurs in the office of second inspector, then the person who received at the previous election the second highest number of votes for judge shall act.[93] A judge so appointed can act only at that election.[94] If a tie vote for judge occurs, the inspector receiving the highest number of votes shall appoint. If such happen in the case of inspectors, the question shall be decided by lot.[95]

87 Porter Township Election Case, 5 Pa. C. C. 217.
88 Act July 2, 1839, P. L. 519, Sec. 7.
89 Act Jan. 30, 1874, P. L. 31, 1 P. & L. Dig. 1721n.
90 Act May 18, 1893, P. L. 101, 1 P. & L. Dig. 1721.
90* See Section 53, *supra*.
91 Act May 5, 1897, P. L. 38, 3 P. & L. Dig. 273, amending the Act of May 18, 1893, P. L. 101, Sec. 1, 1 P. & L. Dig. 1721.
92 McBride's Petition, 23 Pa. C. C. 437, s. c. 8 D. R. 695.
93 Act July 2, 1839, P. L. 519, Sec. 16, 1 P. & L. Dig. 1722.
94 Pittsburg Election Case, 30 P. L. J. N. S. 260, s. c. O'Leary's Petition, 9 D. R. 180.
95 Act May 19, 1897, P. L. 78, 3 P. & L. Dig. 273.

CHAPTER XV.

CONTRACTS.

SECTION
140. Power to contract.
141. Interests in contracts.
142 Contracts for road work.
143. Opening roads.
144. Bridges.
145. Water troughs.
146. Bounties.

Power to Contract.

140. By the Act of April 15, 1834,[1] townships were given capacity as bodies corporate. The power to take and hold real estate for the benefit of the inhabitants, as well as personal property, to make contracts, to sue and be sued, was conferred.[2]

In townships of the first class all corporate power, authority and franchise is vested in, and is to be exercised by, the board of township commissioners, who shall enact ordinances which shall be published.[3] In townships of the second class this power is vested in the supervisors.[4]

To bind the township, joint action of the supervisors, or commissioners, as the case may be, is requisite in passing upon the propriety of entering into the contract and this is the subject of deliberation and the exercise of judgment.[5] Whenever the business requires deliberation, consultation and judgment, all the members of the board should regularly convene, and no act should be done without the consent of the majority,

1 Act April 15, 1834, P. L. 537, Sec. 3, 1 P. & L. Dig. 997.
2 Act April 15, 1834, P. L. 537, Sec. 3, 1 P. & L. Dig. 997.
3 Act April 28, 1899, P. L. 104, Sec. 7, 4 P. & L. Dig. 916.
4 Act April 15, 1834, P. L. 537, Sec. 4, 1 P. & L. Dig. 997.
5 Cooper & Grove *vs.* Lampeter Twp., 8 Watts 125.

or of both, if there are only two members.[6] In such cases the supervisors must be together, and their action must be taken in their official character, and should appear upon the township books kept by the town clerk.[7] The mere failure to record their action upon the minutes is not fatal when the contract was entered into after due consultation.[8] So the township will be bound, though the contract was entered into separately, where the supervisors had a public test of the machine proposed to be purchased and agreed that it was of the proper kind and quality.[9] And a recovery may be had on the order.[10]

Purchases of tools or machinery for the township are matters for consultation.[11] And the township is not bound, though the supervisors had severally given their consent.[12] So one supervisor could not bind the township to pay damages for injuries to tools used upon the roads.[13]

Nor can one contract with an attorney at a fixed salary per year.[14] Nor surrender an easement to drain water across the land of another.[15] Nor bind the township to pay a bounty for enlistment in the United States service.[16] Nor can one contract for the erection of wing walls of a township bridge.[17] Nor for the building of a new road and the bridges necessary therefor.[18] Or for the reconstruction of a road, though one

6 Union Twp. *vs.* Gibboney, 94 Pa. 534.

7 Penna. R. R. *vs.* Mont. Co. Pass. Ry., 167 Pa. 62, 72.

8 Climax Road Machine Co. *vs.* Allegheny Twp., 10 Pa. Sup. 437.

9 Austin Mfg. Co. *vs.* Ayr Twp., 17 Pa. Sup. 419.

10 Austin Mfg. Co. *vs.* Ayr Twp., 24 Pa. Sup. 91.

11 American Road Machine Co. *vs.* Washington Township, 9 Pa. Sup. 105; Climax Road Machine Co. *vs.* Corydon Twp., 5 D. R. 436; Climax Road Machine Co. *vs.* Allegheny Twp., 10 Pa. Sup. 437; Scraper Co. *vs.* Supervisors of Pine Twp., 4 D. R. 501; Austin Mfg. Co. *vs.* Ayr Township, 17 Pa. Sup. 419.

12 American Road Machine Co. *vs.* Washington Twp., 9 Pa. Sup. 105.

13 Somerset Twp. *vs.* Parson, 105 Pa. 360.

14 Bohan *vs.* Pittston Twp., 4 Kulp 234.

15 Eshleman *vs.* Martic Twp., 152 Pa. 68.

16 Bearce *vs.* Fairview Twp., 9 Pa. C. C. 342; 27 W. N. C. 211.

17 Cooper & Grove *vs.* Lampeter Twp., 8 Watts 125.

18 Childs *vs.* Brown Twp., 40 Pa. 332.

supervisor told the other to go ahead.[19] Nor can one incur indebtedness for such purpose, though the township had been divided into districts for convenience.[20] The two acting jointly could have done so to repair roads or bridges in case of sudden emergency.[21] This rule as to joint deliberation and consultation does not apply where the work is to be done by two municipalities. In such case one may build and collect the proportionate share or cost from the other which has failed to act after notice.[22]

One supervisor may bind the township in merely ministerial matters such as the ordinary repair of the roads, and the keeping of them in order.[23]

So one supervisor may contract for stone for use upon the road in his district,[24] Or may employ labor to aid in repairing.[25] And may give the laborer a valid due bill for his compensation.[26] Or a certificate showing the payment of road taxes on unseated land, by which the township will be bound.[27] But such repairs as can be authorized by one are only ordinary road repairs, and an affidavit of defense that sets forth that they are not such, and that the contract was made by but one supervisor is sufficient.[28] In all cases it must appear that the work was done or materials furnished upon request.[29] It has been held that one supervisor may bind the township for the ex-

19 Logan *vs.* Rochester Twp., 21 Pa. Sup. 113.
20 Union Twp. *vs.* Gibboney, 94 Pa. 534.
21 Maneval *vs.* Jackson Twp., 141 Pa. 426.
22 Pottsville Bor. *vs.* Norwegian Township, 14 Pa. 543.
23 Union Twp. *vs.* Gibboney, 94 Pa. 534; McNeal *vs.* Allegheny Twp., 1 Am. L. Reg. 124; Harshman *vs.* Dunbar Twp., 11 Pa. Sup. 638.
24 Sheppard *vs.* Township, 4 Del. 385.
25 Dull *vs.* Ridgway, 9 Pa. 272; Harshman *vs.* Dunbar Twp., 11 Pa. Sup. 638.
26 Dull *vs.* Ridgway, 9 Pa. 272.
27 Com. *ex rel.* Rawle *vs.* Colley Twp., 29 Pa. 121.
28 Little *vs.* Lower Merion Twp., 7 Montg. 205.
29 Marys *vs.* East Vincent Twp., 7 Pa. L. J. 337.

pense of opening a road in his district, which has been ordered by the quarter sessions.[30]

Subject to the principles stated the supervisors may contract as to those matters within the scope of their functions, even though not qualified by taking an oath or filing a bond within the first month after their election, since the Act of Assembly gives them thirty days within which to so qualify, and in the meantime they are at least officers *de facto*.[31] When the contract is entered into it is presumed to have been regularly done, and the contractor is not bound to determine whether all the necessary precedent facts were present. Thus he could recover from the township for the repair of roads, though it did not appear that the requisite notice had been given to the original contractor to do so, as required by a local act, and that there had been a refusal on his part to perform his duty for six days.[32] Nor is he bound to inquire whether the taxpayers had been given their statutory privilege to work out their road taxes where the plaintiff was employed to open a new road,[33] or to rebuild a township bridge for a specific sum.[34]

Interest in Contracts.

141. By the 66th section of the Act of March 31, 1860,[35] members of corporations or public institutions are forbidden to contract for the sale or furnishing of any supplies or materials to such corporation or institution, or to be interested therein directly or indirectly. Such conduct subjects the offender to forfeiture of his office as well as to indictment for

30 Hopewell Twp. *vs.* Putt, 2 W. N. C. 46; it was said in Union Twp. *vs.* Gibboney, 94 Pa. 534, that this decision "went to the verge of the power of a single supervisor, if not beyond." The contrary had been previously held in Batten *vs.* Brandywine Twp., 3 Clark 462.

31 Gregg Twp. *vs.* Jamison, 55 Pa. 468.

32 Harshman *vs.* Dunbar Twp., 11 Pa. Sup. 638.

33 Childs *vs.* Brown Twp., 40 Pa. 332.

34 Oakland Twp. *vs.* Martin, 104 Pa. 303.

35 Act March 31, 1860, P. L. 382, 1 P. & L. Dig. 1309.

the misdemeanor which it constitutes. The contract being prohibited by law is absolutely void and cannot be renewed by the ratification of subsequent officers.[36] No reference is made to an interest in the sale of real estate, and such action does not come within the terms of the statute. At most, such a contract would be voidable, and is capable therefore of ratification.[37]

It seems that the township officers come within the intent of the act, though not expressly mentioned therein.[38] In Funk *vs.* Washington Township [39] the contrary was held, though the contract was declared void on the ground of public policy, and in Anderson's Appeal [40] a like determination was made, but the claim was sustained as not involving any contract.

By the weight of authority, therefore, a supervisor cannot charge the township for compensation for use of his own horse and wagon, though employed in its service.[41] This rule would be relaxed where the employment was in case of sudden emergency, it being impossible to secure other accommodation.[42] Likewise no recovery can be had for the wages of minor sons of the supervisors, which are payable to the latter,[43] though the contrary had been held, where the wages are payable directly to the minors.[44]

Contracts for Road Work.

142. In townships of the first class the board of commissioners is authorized to appoint one or more supervisors or engineers of highways, as well as a sufficient number of work-

36 Milford Borough *vs.* Milford Water Co., 124 Pa. 610.

37 Trainer *vs.* Wolfe, 140 Pa. 279.

38 Harrison Township's Ap., 20 Pa. C. C. 54; 28 P. L. J. N. S. 196; Coxe's Case, 11 Pa. C. C. 639, 6 Kulp 379; *In re* Hazle Twp., 6 Kulp 491.

39 Funk *vs.* Washington Twp., 13 Pa. C. C. 385, (Stewart, J.)

40 Anderson's Appeal, 9 Pa. C. C. 567, (Futhey, J.)

41 Harrison Twp.'s Ap., *supra;* Cox's Case, *supra; In re* Hazle Township, *supra;* Funk *vs.* Washington Twp., *supra; contra,* Anderson's Appeal, *supra.*

42 Harrison Township's Ap., *supra.*

43 Coxe's Case, *supra; In re* Hazle Twp., *supra.*

44 Funk *vs.* Washington Twp., *supra.*

men, mechanics and laborers for the proper care of the public roads.[45] Generally the right to employ labor for ordinary repairs may be exercised by one supervisor,[46] though joint action is required where such are unusual.[47] So materials for ordinary repairs may be contracted for by one,[48] but otherwise consultation and deliberation by all is requisite.[49] In every case it must appear that the materials were furnished upon the request of the proper officers.[50]

The boards of township commissioners in those of the first class are authorized to purchase all necessary tools, implements, machinery and materials, which they deem necessary for use upon the roads.[51] This power is given by Act of Assembly to all townships.[52] The same legislation provided a means of payment therefor by authorizing the annual collection in cash of a sum not exceeding twenty five per centum of the rates or assessments by them respectively laid in each year for road purposes.[53] The entering into such a contract is a matter of deliberation for all the supervisors.[54] A separate agreement of the members to purchase is not therefore sufficient to bind the township, though all of the board subsequently met and signed the warrants.[55] But the contract was held binding when the original order was separately made, but a subsequent public test was held at which the machine was jointly accepted by the

45 Act April 28, 1899, P. L. 104, Sec. 10, 4 P. & L. Dig. 922.

46 Dull *vs.* Ridgway, 9 Pa. 272; Harshman *vs.* Dunbar Twp., 11 Pa. Sup. 638; Somerset Twp. *vs.* Parson, 105 Pa. 360.

47 Union Twp. *vs.* Gibboney, 94 Pa. 534.

48 Sheppard *vs.* Township, 4 Del. Co. 385.

49 Little *vs.* Lower Merion Twp., 7 Montg. 205.

50 Marys *vs.* East Vincent Twp., 7 Pa. L. J. 337.

51 Act April 28, 1899, P. L. 104, Sec. 10, 4 P. & L. Dig. 922.

52 Act May 24, 1887, P. L. 202, Sec. 1, 2 P. & L. Dig. 4230.

53 Act May 24, 1887, P. L. 202, Sec. 2, 2 P. & L. Dig. 4230.

54 Somerset Twp. *vs.* Parson, 105 Pa. 360; Climax Road Machine Co. *vs.* Corydon Twp., 5 D. R. 436; American Road Machine Co. *vs.* Washington Twp., 9 Pa. Sup. 105.

55 American Road Machine Co. *vs.* Washington Twp., 9 Pa. Sup. 105.

supervisors.[56] The necessity for the purchase is a matter of judgment for the supervisors and in an action against the township, it cannot be shown that the machine was not needed.[57] The purchase may be on credit.[58] The means of payment have been provided by the Act of 1887 and a writ of mandamus will therefore be issued against the supervisors to compel compliance with its provisions.[59]

Opening Roads.

143. The supervisors may contract for the opening of a new road, but they cannot let out by contract all of the roads since the taxpayers have the privilege to work out their road taxes if they see fit.[60] It has been held that such may be done by one supervisor having control of a portion of the township in which the road is located.[61] The entire reconstruction of a road is a matter for deliberation, and the mere fact that the one supervisor told the other to go ahead is not sufficient to bind the township.[62]

Bridges.

144. Under the Act of June 13, 1836,[63] supervisors of a township have power to contract for the rebuilding of a township bridge for a specific sum, and bind the township therefor. In such case the contractor is not bound to inquire whether the supervisors have accorded the taxpayers the privilege of

56 Austin Mfg. Co. *vs.* Ayr Twp., 17 Pa. Sup. 419; Austin Mfg. Co. *vs.* Ayr Twp., 24 Pa. Sup. 91.

57 Climax Road Machine Co. *vs.* Allegheny Twp., 10 Pa. Sup. 437.

58 Climax Road Machine Co. *vs.* Corydon Twp., 5 D. R. 436.

59 Scraper Co. *vs.* Supervisors of Pine Twp., 4 D. R. 501.

60 Childs *vs.* Brown Twp., 40 Pa. 332; see for Schuylkill County, Cooney *vs.* Norwegian Twp., 2 Leg. Chron. 315.

61 Hopewell Twp. *vs.* Putt, 2 W. N. C. 46; the contrary was held in Batten *vs.* Brandywine Twp., 3 Clark 462. For a discussion of this case, see Union Twp. *vs.* Gibboney, 94 Pa. 534.

62 Logan *vs.* Rochester Twp., 21 Pa. Sup. 113.

63 Act June 13, 1836, P. L. 551, 2 P. & L. Dig. 4150.

working out their road taxes in labor.[64] But such a contract must be entered into after full deliberation by all of the supervisors.[65]

Where the bridge is on the division line of townships, it is to be maintained by the townships jointly.[66] It is not necessary in such case that the contract be let by joint action of the officers of the two municipalities. If one builds after notice to the other, and refusal on its part to join, a recovery may be had of one-half of the reasonable expense of erecting the proper bridge.[67]

Water Troughs.

145. The supervisors are authorized to sanction the erection of watering troughs in their townships, and to pay annually therefor from the road fund a sum of money not exceeding five dollars, as shall be agreed upon at the time of the erection of the trough. Only one shall be erected and paid for within five miles on the same road.[68] Compensation may also be given to the person who provides a pump for the trough where no running water can be had.[69] In making such contracts the supervisors shall give preference to the owners of those troughs already erected.[70] If no person enters into such a contract the supervisors may, with the consent of the owner of the land, upon which the water can be obtained, erect and keep the same in repair at an annual expense not exceeding five dollars.[71]

64 Oakland Twp. *vs.* Martin, 104 Pa. 303.

65 Cooper & Grove *vs.* Lampeter Twp., 8 Watts 125.

66 Act June 13, 1836, P. L. 551, Sec. 34, 2 P. & L. Dig. 4155; Rapho & West Hempfield Twps. *vs.* Moore, 68 Pa. 404.

67 Pottsville Bor. *vs.* Norwegian Twp., 14 Pa. 543.

68 Act June 25, 1885, P. L. 168, Sec. 1, 2 P. & L. Dig. 4230.

69 Act April 28, 1876, P. L. 51, Sec. 2, 2 P. & L. Dig. 4231.

70 Act April 28, 1876, P. L. 51, Sec. 5, 2 P. & L. Dig. 4232.

71 Act April 28, 1876, P. L. 51, Sec. 3, 2 P. & L. Dig. 4231.

Bounties.

146. Under the bounty laws of 1864 and 1866 [72] townships were authorized to enter into contracts for the payment of bounties to those who enlisted in the United States service. Such a contract is a matter for deliberation, and the proof of a valid contract is requisite before a recovery can be had.[73] It was held that such an undertaking could be lawfully entered into by the board during the thirty days allowed for the giving of bond by a supervisor, though such had not been given, nor an oath of office taken.[74] So the township was held bound, where the board had agreed to repay voluntary subscriptions to the bounty fund.[75] By the Act of May 8, 1889, the right to sue for such claims was revived, but the constitutionality of the act was doubted.[76] One of the defects suggested was remedied by the Act of June 8, 1891,[77] by which the right to sue on such contracts was extended to three years from the date of that enactment.

72 Acts March 25, 1864, P. L. 85; Aug. 25, 1864, P. L. 986; May 1, 1866, P. L. 114.

73 Bearce *vs.* Fairview Twp., 9 Pa. C. C. 342; 27 W. N. C. 211.

74 Gregg Twp. *vs.* Jamison, 55 Pa. 468.

75 Juniata Twp. *vs.* Reamer's Exr., 2 W. N. C. 91.

76 Bearce *vs.* Fairview Twp., *supra.*

77 Act June 8, 1891, P. L. 214, Sec. 1, 1 P. & L. Dig. 435.

CHAPTER XVI.

POWERS.

SECTION
147. Fire protection.
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149. Lock-ups.
150. License fees.
151. Fines and penalties.

SECTION
152. Sewerage.
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Fire Protection.

147. Townships of the first class are authorized through the board of commissioners to purchase and maintain engines for the extinguishment of fire, and to make rules and regulations for the management of the same, and to enter into contracts with any person or corporation to supply water for fire protection for a period not exceeding twenty years. But this right shall not be exclusive as against any other water company, nor as against the right of such municipality to erect, maintain and operate its own water works.[1]

Police Protection.

148. Townships of the first class may establish and maintain a night watch and police force and define by ordinance the duties of the same.[2] In all townships the court of quarter sessions may appoint deputy constables to act as policemen, with the same powers as like officers in cities, upon the petition of not less than twenty-five taxpayers of the town-

1 Act July 9, 1901, P. L. 627, 4 P. & L. Dig. 920, amending the Act of April 28, 1899, P. L. 104, Sec. 7, subd. 5.

2 Act April 28, 1899, P. L. 104, Sec. 7, subd. 5; Act July 9, 1901, P. L. 627, 4 P. & L. Dig. 920.

ship, setting forth that in their opinion the safety of the citizens and the protection of property make such action necessary.[3] Officers so appointed shall wear a shield or badge with the words "township police" inscribed thereon.[4] They may be discharged whenever the court appointing them shall be satisfied that their services are no longer required, and shall be paid such compensation as it may fix.[5] It has been held, however, that the county is not liable for this compensation because such responsibility is not expressly imposed by statute.[6] And for the same reason it has been held that it cannot be recovered from the township.[7] It would therefore seem that deputy constables cannot recover for services rendered if they see fit to accept the appointment.

Deputy constables appointed under the Act of 1889 have the power to arrest and confine all violators of the law, and the keepers of jails, lock-ups or station houses are required to receive all persons arrested by such policemen for the commission of any offense against the laws of this Commonwealth within the township. They shall be appointed as aforesaid.[8]

The police in townships of the first class are empowered to arrest vagrants, or other persons who have violated the criminal laws or township ordinances. They are authorized to set to work on the roads of the township or elsewhere all vagrants found therein.[9]

Lock-ups.

149. The board of commissioners in townships of the first class may by ordinance provide for the erection of a lock-up or

3 Act May 9, 1889, P. L. 156, Sec. 1, 1 P. & L. Dig. 871.

4 Act May 9, 1889, P. L. 156, Sec. 2, 1 P. & L. Dig. 871.

5 Act May 9, 1889, P. L. 157, Sec. 3, 1 P. & L. Dig. 872.

6 *In re* Appointment of Cawley, 5 Kulp 455.

7 Adams *vs.* Sweden Township, 9 D. R. 450. It is also suggested in this case that liability could not be imposed upon the township under the act because the subject is not clearly expressed in its title.

8 Act May 9, 1889, P. L. 156, Sec. 1, 1 P. & L. Dig. 871.

9 Act April 28, 1899, P. L. 104, Sec. 7, subdivision 5; Act June 10, 1901, P. L. 551, 4 P. & L. Dig. 920.

watch house for the detention and confinement of vagrants and persons duly arrested, until they can be taken before a magistrate for a hearing and committed to prison or discharged.[10] Generally townships may provide for the erection and maintenance of a suitable building for lock-up purposes. It was directed by the Act of May 11, 1901,[11] "that the supervisors of the several townships of this Commonwealth shall have the right to levy a tax for the purpose of building and maintaining a suitable place for the purpose of incarcerating criminals, disorderly, suspicious and intoxicated persons, until they can be dealt with according to law. Said building to be under the care of said supervisors; provided that said supervisors of townships shall not erect or maintain said buildings without obtaining the assent of the electors thereof, expressed by vote at an election to be held at the place, time and under the same regulations as provided by law for the holding of municipal elections, and it shall be the duty of the judges, inspectors and clerks of such elections to receive tickets, either written or printed, from electors qualified under the Constitution of this State to vote in such district, labelled on the outside, 'Lock-up Building,' and on the inside the words, written or printed 'For lock-up building' or 'Against lock-up building' to be deposited in a box provided for that purpose."

The election shall be conducted as are other municipal elections. Notice shall be given by the constables of said townships ten days prior to the date of said municipal election that the qualified electors will vote "for or against building a lock-up."

License Fees.

150. Prior to the Act of 1899 by which townships were classified, no power existed to enact ordinances and impose license

10 Act April 28, 1899, P. L. 104, Sec. 7, subd. 5; Act July 9, 1901, P. L. 627, 4 P. & L. Dig. 920.

11 Act May 11, 1901, P. L. 169, 4 P. & L. Dig. 912.

fees. By certain acts such fees were imposed, but not by the township authorities. Thus, transient retail merchants were required to take out a license but the amount thereof is fixed by the county treasurer at a sum not less than twenty-five dollars, nor more than one hundred dollars per month, the amount being payable to the school fund.[12] Similarly the State has regulated certain employments within the township, and provided for the payment of a license fee to the county treasurer. This is so of hawkers and peddlers,[13] of retail and wholesale venders of goods,[14] of owners or lessees of buildings used as theatres or museums, and managers of circuses or menageries,[15] of retail liquor dealers,[16] and of wholesale liquor dealers.[17]

Townships of the first class are empowered generally to adopt ordinances regulating the affairs of the township, and particularly to regulate and prohibit shows, circuses and public entertainments of all sorts.[18] They are authorized to levy and collect license fees on stages, hacks, carriages and other vehicles, carrying persons or property for pay, and to limit the rate of fares to be charged therefor by the Act of April 11, 1903.[19]

Fines and Penalties.

151. Only townships of the first class have power to enact

12 Act May 10, 1893, P. L. 35, Sec. 1, 2 P. & L. Dig. 2990; Act May 2, 1899, P. L. 159, 4 P. & L. Dig. 1202.

13 Act June 14, 1901, P. L. 563, 4 P. & L. Dig. 1354-6.

14 Act May 2, 1899, P. L. 184, 4 P. & L. Dig. 1193, amended as to the time of bringing suit for the license tax by the Act of June 14, 1901, P. L. 565, 4 P. & L. Dig. 1199.

15 Act June 24, 1895, P. L. 249, 3 P. & L. Dig. 601.

16 Act June 9, 1891, P. L. 248, Sec. 1, 1 P. & L. Dig. 2709.

17 Act June 9, 1891, P. L. 257, Sec. 1, and of July 30, 1897, P. L. 164, 3 P. & L. Dig. 373.

18 Act April 28, 1899, P. L. 104, Sec. 7, subd. 5, 4 P. & L. Dig. 921.

19 Act April 11, 1903, P. L. 164.

ordinances, and to prescribe fines and penalties for their violation.[20] No penalty shall exceed one hundred dollars.[21]

So, by virtue of the Act of April 28, 1899,[21]* an ordinance may be passed limiting the speed of automobiles within the township, and providing a penalty for its violation, notwithstanding the general legislation upon that subject, as found in the Act of April 23, 1903.[22]

Violators of the laws or ordinances may be arrested by the policemen or constables with or without warrant upon view and be committed to await trial, having the right to give bail for appearance at the hearing.[23] When arrested on view a complaint on oath or affirmation shall immediately be made.[24]

If not arrested upon view the proceedings may be instituted by complaint on oath or affirmation before a justice of the peace, specifying the offence committed and ordinance violated, who shall at his discretion issue a warrant to be served by the policeman or constable, returnable forthwith, or a summons may issue. Pending the hearing, if bail be not entered, the accused may be detained in the lock-up, if a suitable one exists, or in lieu thereof be committed to the county jail.[25]

The hearing shall be conducted by the justice of the peace, whose judgment may be reviewed on *certiorari* or appeal. Upon default in the payment of the penalty adjudged and the costs, the defendant may be sentenced and committed to the township lock-up for a period not exceeding five days, or to the county jail for a period not exceeding thirty days. In case the defendant has any property from which the judgment and costs can be collected by execution, *capias* or other process, the plaintiff

20 Act April 28, 1899, P. L. 104, Sec. 7, subd. 9, 4 P. & L. Dig. 921.
21 Act June 10, 1901, P. L. 551, 4 P. & L. Dig. 920.
21* Act April 28, 1899, P. L. 104, Sec. 7, Pars. 1, 7-8, 4 P. & L. Dig. 921.
22 Act April 23, 1903, P. L. 268; Radnor Twp. *vs.* Bell, 29 Pa. C. C. 444.
23 Act June 10, 1901, P. L. 551, Sec. 1, 4 P. & L. Dig. 920.
24 Act June 10, 1901, P. L. 551, Sec. 2, 4 P. & L. Dig. 921.
25 Act June 10, 1901, P. L. 551, Secs. 2, 3, 4 P. & L. Dig. 920-1.

in the action may elect to proceed to collect the same by such proceedings.[26]

Sewerage.

152. No general provision for the erection of sewers in townships was made until the classification act of 1899, at which time those of the first class alone were empowered to construct such systems. The general corporation act of 1874 with its supplement of June 10, 1893,[27] provided for the incorporation of companies for "the construction and maintenance of sewers, culverts, conduits and pipes, with all necessary inlets and appliances for surface and under-surface and sewage drainage, for the health, comfort and convenience of inhabitants and sanitary improvement in cities, boroughs and townships of the Commonwealth, and for this purpose to enter upon and occupy any public highway with the consent of the local authorities." Under this statutory authority numerous sewerage systems were built. By the Act of April 19, 1901,[28] the right of the municipality through which the system passes to purchase the same was given by paying therefor the actual value at the time of taking. In case of disagreement as to the amount to be paid the same is to be determined in the same manner as damages are ascertained for private property taken, injured or destroyed by reason of municipal improvements as directed by the Act of May 16, 1891.[29]

Townships of the first class may establish their own system of sewers and drainage and require adjoining and adjacent property owners to connect with and use the same. This right existing in the municipality may by contract be transferred to individuals or a corporation who will thereupon become entitled to exercise all the powers of the township in the construction, maintenance and operation thereof with the right to collect such

26 Act June 10, 1901, P. L. 551, Secs. 2, 3, 4 P. & L. Dig. 920-1.
27 Act June 10, 1893, P. L. 435, 1 P. & L. Dig. 934.
28 Act April 19, 1901, P. L. 82, 4 P. & L. Dig. 1307.
29 Act May 16, 1891, P. L. 75, 2 P. & L. Dig. 4215.

charges in connection therewith, as the commissioners may prescribe in as full a manner as the same might have been collected by the township. When such contract is made, however, it is the duty of the commissioners to reserve the right to purchase the system at any time, or in a prescribed time for such price and on such terms as shall be agreed upon in the contract. In constructing such sewers, they shall be laid as far as possible on the public roads. But where not practicable, they may be built on private land. If the owners of such land do not agree to the use thereof it may nevertheless be occupied. The damages arising therefrom are to be assessed by three disinterested viewers to be appointed by the court of common pleas upon petition of the commissioners or of the owner of the lands taken. The viewers shall meet not less than 20 nor more than 30 days after their appointment upon the land, of which time and place ten days' notice shall be given by the petitioners to said viewers and the other party. After the viewers are sworn the land shall be viewed and the damages, if any, assessed, either party having the right to appeal to the court of common pleas. If damages be awarded and the report be confirmed by the court, judgment shall be entered thereon, and if the amount be not paid within 30 days after the entry of the judgment, execution to enforce the collection may be issued, as in other cases of judgments against townships.

Land may also be taken where needed for the disposition of the sewage and drainage not exceeding in any one place three acres. If necessary to go beyond the limits of the township the commissioners are authorized to enter into contracts with other municipalities, and other corporations or persons.

When a connection with the sewer is made by a property owner, he shall pay the cost thereof, as well as a monthly or annual rate for the use of the sewer as shall be prescribed by ordinance.

These charges until paid shall constitute a lien upon the

property so connected with such system, and the amount thereof may be recovered by due process of law.[30]

Drainage.

153. The general sewerage system enacted for townships of the first class provides for the disposition of waste water. By the Act of June 13, 1836,[31] supervisors of townships were given the power to enter upon lands and enclosures and to cut, open, maintain and repair drains or ditches through the same. By virtue of this statutory authority the supervisors may change the course of the surface water, and the court will not interfere with their discretion where the natural flow is not increased.[32] So they may change the course of a running brook, and in their discretion fix the manner of doing it.[33] Or make breaks or rests on the road where the natural drainage is not changed.[34] But where a pipe is laid by the owner of a lot, by which the plaintiff's land is injured on account of the backing up of the water, the township will not be responsible where it cannot be shown that it has adopted the pipe as a part of its drainage system, though located on a township road.[35] But if it adopts the drain, it is liable for damages arising from a failure to keep it in repair.[36] Nor will the township be liable for an honest mistake of judgment on the part of the supervisors in erecting a bridge, whereby the flow of water is obstructed.[37] Where an easement has been acquired by the township for drainage purposes, such cannot be surrendered by the mere act of one supervisor, nor will mere

30 Act May 24, 1901, P. L. 294, 4 P. & L. Dig. 919, amending the Act of April 28, 1899, P. L. 104, Sec. 7, subd. 3.

31 Act June 13, 1836, P. L. 551, Sec. 32, 2 P. & L. Dig. 4152.

32 McCormick *vs.* Kinsey, 10 Pa. Sup. 607.

33 Wagner *vs.* Poley, 4 Del. 172.

34 Warner *vs.* Muncy Twp., 18 Pa. C. C. 582.

35 Matlack *vs.* Callanan, 19 Montg. 25.

36 Hutchinson *vs.* Clay Township, 14 Pa. Sup. 546.

37 Shieb *vs.* Collier Twp., 11 Atl. 366.

non-user for three years destroy it.[37*] Where the land owner has acquiesced in a method of drainage for years he cannot afterwards arbitrarily close the drain, and cast the water upon the public road merely because of increased drainage, or because other parties may introduce into the drain that which does not properly belong there. He should first have the matter settled by a suit at law or equity, and not interfere with public travel in the first instance.[38] In case a party diverts a water course by the substitution of a pipe, he cannot subsequently complain when the grade of the road is raised, and the township authorities build a new drain, and connect it with the old pipe.[39] A turnpike company whose road is substituted for a township road succeeds to the authority of the township supervisors as to the manner of its maintenance, including the method of drainage. It may therefore construct and maintain such a gutter for this purpose as it may determine on. The owner of the abutting land may construct a private drain, provided it does not interfere with the method of drainage adopted by the turnpike company. If it does, it may be abated.[40]

Provision has been made in certain counties [41] for the construction of drains to improve wet or spouty land. The persons desiring such may apply to the court of quarter sessions for leave to erect such drains. Viewers shall be appointed to lay out the same in the way to do least injury, and assess the damages which may be occasioned thereby.[42] When the report

37* Eshleman *vs.* Martic Twp., 152 Pa. 68.

38 Lancaster Avenue Improvement Company *vs.* Humphreys, 12 Montg. 66.

39 Isensee *vs.* Shaler Twp., 32 P. L. J. N. S. 389.

40 Wenger *vs.* Rohrer, 3 Pa. Sup. 596.

41 For Snyder, Juniata, Dauphin, Lycoming, Bradford, Union and Indiana Counties; Act April 4, 1863, P. L. 293; for Bucks County, Act April 18, 1864, P. L. 459; for York County, May 4, 1864, P. L. 768; for Allegheny County, Act Feb. 18, 1870, P. L. 197, and for draining mines; for Indiana County, March 10, 1871, P. L. 318, for like purposes; for Warren and Mercer Counties, for like purposes, May 19, 1871, P. L. 987; for Lawrence County, Act March 9, 1872, P. L. 303.

42 Act April 4, 1863, P. L. 293, Sec. 1, 1 P. & L. Dig. 1683.

is confirmed and the damages paid the court shall direct the laying out of the drain which shall be kept in repair by the petitioners.[43]

A general act for the draining of swampy and wet lands was passed April 5, 1870.[44] By it the court of quarter sessions was authorized to appoint three disinterested commissioners to view a continuous swamp or marsh upon petition of the majority of the owners. Damages and costs are to be assessed, a portion of which expense may be charged to the townships in case the swamp is a public nuisance. The assessments shall be collected as ordinary debts. An appeal however may be taken from the judgment of the commissioners, whereupon the court shall appoint six disinterested commissioners to review the whole case and report, which report shall be final. When these proceedings have been completed the owners of the swamp and the supervisors of the township or townships shall constitute a corporation whose first time of meeting shall be fixed by the court, and a yearly meeting shall be held thereafter. The corporation shall have power to open and repair the drains at the common expense in proportion to the assessments made by the commissioners.

The court shall grant to the corporation a charter, and its officers, when authorized, shall have the power to make assessments. When the president issues a duplicate therefor with his warrant to the treasurer, the latter shall have authority to collect as county rates and levies are collected. The assessment until paid shall be a lien upon or against the real estate, and the personal estate that may be upon the same, belonging to the real owner of said swamp or part of said swamp lands.[45]

Other [46] legislation was passed providing for the re-draining of such lands, and fixing the manner in which the necessity

43 Act April 4, 1863, P. L. 293, Sec. 3, 1 P. & L. Dig. 1684.
44 Act April 5, 1870, P. L. 47, 1 P. & L. Dig. 1684-5.
45 Act June 15, 1871, P. L. 388, 1 P. & L. Dig. 1685-6.
46 Act May 9, 1871, P. L. 263, 1 P. & L. Dig. 1686.

therefor should be determined. This act was held unconstitutional as contrary to the bill of rights, since it provided for an *ex parte* appointment of commissioners without notice.[47]

Nuisance.

154. Townships of the first class have the power to make regulations respecting hog pens, slaughter houses, manure pits, drains, cesspools and manufactories that are offensive; to abate nuisances prejudicial to public health and public safety, and to collect the cost of such abatement from any person who may be responsible for having created the nuisance. Also to prohibit or regulate the running at large of animals.[48]

Boards of health in townships, which are composed of the school directors, have power to abate nuisances found on any premises detrimental to the public health.[49] It has been held that the Act of June 18, 1895,[50] providing for the care of those infected with infectious or contagious diseases, directing the disinfection or destruction of their clothing and compelling the vaccination of pupils in the public schools likewise applies to townships, such being within the meaning of the term "municipality" as used in the act.[51]

The tree commissioners appointed in townships are given statutory authority to destroy infected and diseased orchard and nursery trees, or the fruit thereof, in their respective districts.[52]

The supervisors have control of the township roads. No private party has any right to take possession of such and change the grade without permission of those having them under statutory control.[53] If the abutting owner does so do an

47 Rutherford's Case, 72 Pa. 82.
48 Act April 28, 1899, P. L. 107, Sec. 4, 4 P. & L. Dig. 919.
49 Act April 11, 1899, P. L. 38, 4 P. & L. Dig. 856.
50 Act June 18, 1895, P. L. 203, 3 P. & L. Dig. 444.
51 Sprague *vs.* Baldwin, 18 Pa. C. C. 568.
52 Act April 28, 1899, P. L. 92, 4 P. & L. Dig. 1488.
53 McCarthy *vs.* Penna. Land and Imp. Co., 5 Pa. Sup. 641.

action for damages will lie by the party injured.[54] Or the nuisance may be abated by the proper municipal authorities. But the supervisor must remove an obstruction in a reasonable manner. If he acts in a reckless or wanton way he is liable in trespass. And the person who directs him to remove the obstruction, but who does not aid in so doing will not be responsible for the acts of the supervisor. The person erecting the nuisance is subject to indictment.[55] But in determining whether an obstruction exists the road as opened by the supervisors in pursuance of a view, and not that returned by the viewers, is to control in concluding whether the obstruction complained of is within its limits.[56] A township supervisor may maintain a bill in equity to enjoin against the erection and maintenance of a public nuisance on its highway.[57]

Eminent Domain.

155. The power of townships to exercise the right of eminent domain in taking property for public use is very limited. We have noticed that it is given to those of the first class where it becomes necessary to enter upon private lands in the construction of sewerage systems.[58] By the Act of June 13, 1836,[59] supervisors are given power to enter upon lands lying near to roads and to there dig, gather and carry upon said roads any stones, sand or gravel found, for the purpose of making or repairing the roads, when such materials cannot be conveniently obtained by the supervisor by contract. Compensation is fixed by a majority of three referees to be selected by the supervisors and the owner. In case such cannot be agreed

54 McCarthy *vs.* Penna. Land and Imp. Co., *supra;* Knowles *vs.* Penna. R. R., 175 Pa. 623.

55 Kelly *vs.* Com., 11 S. & R. 345.

56 Com. *vs.* Plymouth Twp., 19 Pa. Sup. 408; Com. *vs.* Jackson, 10 Pa. Sup. 524; Com. *vs.* Marshall, 137 Pa. 170; Glenn *vs.* Com., 5 Cent. Rep. 492, s. c. 6 Atl. 919.

57 Township of North Manheim's Appeal, 22 W. N. C. 149.

58 Act May 24, 1901, P. L. 294, 4 P. & L. Dig. 918.

59 Act June 13, 1836, P. L. 551, Sec. 28, 2 P. & L. Dig. 4151.

upon a justice of the peace shall be applied to who shall appoint one person to act with one chosen by each party. They shall consider and decide. The judgment so reached is final.[60] The remedy thus provided is exclusive, and an action of trespass for the damage sustained will not lie.[61] If, however, the supervisor should appropriate other property than that mentioned in the act, such as fences, a recovery may be had against him.[62] The taking so provided for is not an exercise of the right of eminent domain within the meaning of the eighth section of the sixteenth article of the Constitution of 1874, which requires compensation to be given or secured by municipalities before property is taken. And such is not a prerequisite of the exercise of this power by the supervisor.[63]

Except in the cases mentioned townships have no power to take private property for public use. They are not municipalities within the meaning of section 8, article 16 of the Constitution.[64] Though they may injure property in opening or repairing roads, or in changing the grades of the same, no action lies for the injury sustained, nor must compensation be given or secured, with the right to appeal from the award of damages, as in the case of municipalities by virtue of the Constitution,[65] and the Act of June 13, 1874.[66] Such injury is deemed to have been included in the original assessment of damages made by the viewers who laid out the road. Even if none were assessed, the plaintiff is concluded, and cannot recover in an action of trespass.[67]

60 Act June 13, 1836, P. L. 551, Secs. 29, 30, 2 P. & L. Dig. 4152.

61 Marshall *vs.* Township of Lower Towamensing, 15 W. N. C. 235.

62 Nelson *vs.* Ehret, 4 Kulp 337.

63 Marshall *vs.* Township of Lower Towamensing, 15 W. N. C. 235.

64 Lamoreux *vs.* Luzerne County, 116 Pa. 195.

65 Constitution, Art. 16, Sec. 8, 1 P. & L. Dig. 89.

66 Act June 13, 1874, P. L. 283, 1 P. & L. Dig. 1849; Lamoreux *vs.* Luzerne County, 116 Pa. 195; Shoe *vs.* Nether Providence Twp., 3 Pa. Sup. 137; Wagner *vs.* Salzburg Twp., 132 Pa. 636.

67 Wagner *vs.* Salzburg Twp., 132 Pa. 636; Winner *vs.* Graner, 173 Pa. 43.

CHAPTER XVII.

FRANCHISES.

SECTION
156. Street railways.
157. Telephone and telegraph companies.
158. Natural gas companies.
159. Oil and pipe line companies.
160. Gas light and heat companies.
161. Water companies.

Street Railways.

156. Section 15 of the Act of May 14, 1889,[1] as amended by the Act of May 21, 1895,[2] and the Act of June 7, 1901,[3] prohibits the construction of electric street railways within the limits of a township without the consent of the local authorities thereof. Municipal consent is a prerequisite to the right of occupation of highways by street railway companies.[4] This is a matter for the deliberation and consultation of the supervisors, and such contract can only be entered into by joint action. The consent must be given at a meeting regularly convened, and the proceedings should be entered in the township books kept by the town clerk.[5] It is sufficient if all meet with the town clerk in the office of their attorney and prepare the formal contract.[6] But a consent signed separately gives no

1 Act May 14, 1889, P. L. 211, Sec. 15, 2 P. & L. Dig. 4022.

2 Act May 21, 1895, P. L. 93, Sec. 2, 3 P. & L. Dig. 498.

3 Act June 7, 1901, P. L. 514, 4 P. & L. Dig. 1390.

4 Larimer & L. St. Ry. Co. *vs.* Larimer St. Ry. Co., 137 Pa. 533.

5 Penna. R. R. *vs.* Montgomery Co. Pass. Ry., 167 Pa. 62; Lower Pottsgrove Twp. *vs.* Pottstown Pass. Ry. Co., 9 Mont. 90.

6 Meixell *vs.* Railway Co., 7 North 274.

right to the use of the highways.[7] An injunction however has been refused where the franchise was so given, where the railway was commenced, and a large expenditure made before objection.[8] Where there is but one supervisor, as in the case of an independent road district created from a township, the road commissioner for that district is the proper person to give the permission.[9]

The franchise is of no effect if it has been secured by unlawful means. Thus a promise to give work to the supervisor and his son as long as they live, in consideration of the grant, renders it void.[10] So if it be extorted from the supervisor by threats to have him arrested for fraudulently consenting to the construction of another road, followed by a promise to give him the same consideration promised by the first company.[11] It has been questioned whether the agreement to furnish passes to the supervisors while in office, and then to their successors, was a consideration to the township for the franchise, or a granting to the individuals rendering the consent void, but the principle has not been decided.[12]

Conditions may be attached to the franchise, and upon the failure to comply with the same, the consent may be revoked. Thus it may be stipulated that the road shall be commenced in one year.[13] But such a condition is complied with by commencing work upon the line in another township within the period fixed.[14] A preliminary injunction will be refused where

7 Penna. R. R. *vs.* Montgomery Co. Pass. Ry., 167 Pa. 62—it was here said that a paper signed separately could give no right, but that the consent should appear by the minutes of the township clerk. It is doubted whether the consent would be invalidated where regularly given because of a mere failure to so enter. See Machine Co. *vs.* Allegheny Twp., 10 Pa. Sup. 437.

8 Union St. Ry. *vs.* Hazleton & N. S. Elec. Ry., 154 Pa. 422.

9 Hain *vs.* Lebanon & Annville St. Ry. Co., 1 D. R. 452.

10 Lehigh Coal and Nav. Co. *vs.* Inter-County St. Ry. Co., 167 Pa. 75.

11 Tamaqua and Lansford St. Ry. *vs.* Inter-County St. Ry., 167 Pa. 91.

12 Meixell *vs.* Railway Co., 7 North 274.

13 Plymouth Twp. *vs.* Chestnut Hill and Norristown Ry. Co., 168 Pa. 181.

14 Upper Providence Twp. *vs.* Ry. Co., 17 Montg. 167, s. c. 8 North 93.

an indefinite verbal condition is set up by the supervisor that the work should begin as soon as the weather permitted, the railway company having made outlays before the revocation by the supervisor, less than three months later.[15]

The consent of the township to the use of a road gives a right to the use of a bridge thereon,[16] though the bridge be a county one.[17] Or though it was built by a railroad company across its tracks in place of an old road.[18] A turnpike road cannot be taken by the railway without the consent of the supervisors, and unless that of the turnpike company be given.[19] Nor will the mere consent of the turnpike company be sufficient without that of the supervisors.[20] So the consent of the township authorities is not sufficient to permit the building of the railway without the consent of the abutting owners.[21] Nor is the rule changed in townships of the first class, because power has been given to the board of township commissioners to pass ordinances, as in boroughs or cities.[22]

Telephone and Telegraph Companies.

157. Telephone and telegraph companies chartered under the general corporation Act of April 29, 1874, and its supplements, are authorized to occupy the highways of the State in the construction of their lines, so long as public travel is not incommoded. The consent of the supervisors is not therefore required, nor of a turnpike company within the township whose

15 Mahanoy Twp. *vs.* Beaver Meadow Electric Railway Co., 13 Pa. C. C. 344.

16 Conshohocken Ry. Co. *vs.* Penna. R. R., 10 Montg. 113.

17 Berks County *vs.* Reading City Pass. Ry. Co., 167 Pa. 102.

18 Conshohocken Ry. Co. *vs.* Penna. R. R., 15 Pa. C. C. 445.

19 Electric Ry. Co. *vs.* Turnpike Co., 4 D. R. 17.

20 Johnstown & S. L. Turnpike Co. *vs.* Johnstown Pass. Ry., 4 D. R. 594; Steelton Bor. *vs.* East Harrisburg Pass. Ry., 1 D. R. 667.

21 Penna. R. R. *vs.* Montgomery Co. Pass. Ry., 167 Pa. 62.

22 Dempster *vs.* United Traction Company, 205 Pa. 70.

road is occupied.[23] But that of abutting owners must be obtained, or security given for damages which may result.[24]

Natural Gas Companies.

158. The Act of May 29, 1885,[25] gives to natural gas companies the right to enter upon streets and highways. Section 13 requires municipal consent only in case the streets of a borough or city are occupied. But section 12 directs that the court of common pleas shall have jurisdiction to settle disputes as to the location of the lines arising between the corporation and the township whose roads are occupied, upon petition of either party. From the decree entered an appeal will lie as in cases of equity. Though the supervisors need not give consent, that of the abutting owners must be obtained, or compensation for his damage secured.[26]

Oil and Pipe Line Companies.

159. Oil and pipe line companies have been given by statute the power to occupy with their pipe, roads and highways, with the consent of the abutting owners. Municipal consent is not required in the case of townships, but only in cities or boroughs.[27]

Gas Light and Heat Companies.

160. Municipal consent by supervisors is not a prerequisite to the occupation of roads and highways in a township. Such is required only in the case of cities and boroughs.[28] Since the

23 Peoples' Telephone and Telegraph Co. *vs.* Berks and Dauphin Tpk. Road, 199 Pa. 411. In Bradford City *vs.* Penna. & N. Y. Tel. & Tel. Co., 26 Pa. C. C. 321, it was held that such was not required even in boroughs, the Act of June 25, 1885, P. L. 164, being unconstitutional. But see Pfoutz *vs.* Pennsylvania Telephone Co., 24 Pa. Sup. 105.

24 Penna. Tel. Co. *vs.* Hoover, 24 Pa. Sup. 96; Pfoutz *vs.* Pennsylvania Tel. Co., 24 Pa. Sup. 105.

25 Act May 29, 1885, P. L. 29, Sec. 10, 2 P. & L. Dig. 3223.

26 Sterling's Ap., 111 Pa. 35.

27 Act June 2, 1883, P. L. 61, 2 P. & L. Dig. 3488-91.

28 Act June 2, 1887, P. L. 310.

leave of the township is not required, so that of a turnpike company within it is not.[29] But that of the abutting owner must be obtained, or his damages secured.[30]

Water Companies.

161. Water companies are authorized by the general Act of March 11, 1857,[31] to enter upon roads and highways in townships subject to such regulations as the district may adopt in regard to grades, or for the protection and convenience of public travel. Under this legislation a highway may be entered and occupied longitudinally.[32] But the corporation holds subject to the right of the supervisors to make reasonable regulations for the protection of the public, and they may therefore compel the raising or lowering of the pipes when it is necessary for the drainage of the highway.[33]

A corporation, chartered under the Act of July 2, 1895,[34] having the privilege of developing electric power for commercial purposes by means of water power, was given the power to enter upon highways, but only in case the consent of the supervisors is first obtained.

29 Berks and Dauphin Turnpike Road *vs.* Lebanon Steam Co., 5 Pa. C. C. 354.

30 Haverford Electric Light Co. *vs.* Hart, 13 Pa. C. C. 369; Zanziger *vs.* Wayne Electric Light Co., 6 D. R. 577.

31 Act March 11, 1857, P. L. 77, 1 P. & L. Dig. 2210; Act April 29, 1874, P. L. 73; Act June 2, 1887, P. L. 310, 1 P. & L. Dig. 2213; Act May 16, 1889, P. L. 226, 1 P. & L. Dig. 2217; Act May 26, 1893, P. L. 158, 1 P. & L. Dig. 2220.

32 Logan Twp. *vs.* Altoona, 2 Blair 1.

33 Bryn Mawr Water Co. *vs.* Lower Merion Twp., 15 Pa. C. C. 527.

34 Act July 2, 1895, P. L. 425, 3 P. & L. Dig. 186.

CHAPTER XVIII.

EXPENDITURES.

SECTION
162. Subscriptions.
163. Appropriation of money or credit.
164. Erecting buildings.
165. Disbursements.
166. Indebtedness.
167. Limitation on the power to contract debts.
168. Act of April 20th, 1874.
169. Act of April 20th, 1874, continued.
170. Act of April 20th, 1874, continued.
171. Act of April 20th, 1874, continued.
172. Exchanging securities.
173. Statement of indebtedness.
174. Ratifying increases.

Subscriptions to Corporation Stock.

162. Subscriptions to a corporation by the township must be by virtue of some legislative authority. Any attempt to exercise power not possessed is void.[1] The 7th section of the 9th article of the Constitution of Pennsylvania ordains that "the General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company association, or corporation, or to obtain or appropriate money for, or to loan its credit to any corporation, association, institution or individual." Prior to this constitutional inhibition, the power of the township to become the owner of stock in a corporation rested on legislation. When the General Assembly authorized such subscription it was valid.[2] And an act passed after the subscription might have

1 Wimer *vs.* Overseers of Poor of Worth Twp., 104 Pa. 317.

2 Com. *vs.* Com. of Allegheny Co., 37 Pa. 277; Com. *vs.* Com. of Allegheny Co., 37 Pa. 237; Com. *vs.* Com. of Allegheny Co., 32 Pa. 218; Com. *vs.* Pittsburg, 34 Pa. 496; *Ib.* 41 Pa. 278; Penna. R. R. *vs.* City of Philadelphia, 47 Pa. 189; Sharpless *vs.* Mayor of Philadelphia, 21 Pa. 147; Moers *vs.* City of Reading, 21 Pa. 188.

ratified it.[3] Such power was given to the supervisors of the various townships throughout the State to encourage the building of turnpikes and plank roads, after ratification of the proposed action at a special election to be held for the purpose.[4]

Appropriation of Money or Credit.

163. The constitutional provision quoted in the preceding section forbids the authorization by the General Assembly of any township to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual. The prohibition is not only against a legislative authorization, but much more against a legislative requirement that a county or township shall give its money or credit to any corporation.[5] Nor can this provision be evaded by the selection of any agency for the transfer of the moneys to the association or corporation.[6] But this prohibition affected only future legislation, and did not repeal that already existing.[7] It is also noticed that it is made a misdemeanor for a township officer to loan any money or security in his possession with or without interest or return therefor.[8]

But the purpose of this constitutional provision was not to prevent expenditures which were intended for the material benefit and welfare of the community. Thus an appropriation to a police pension fund,[9] or to a committee of citizens appointed to determine the wisdom and cost of a ship canal,[10] or to a bounty fund for the pay of volunteers in the United States

3 Penna. R. R. Co. *vs.* City of Philadelphia, 47 Pa. 189.

4 Act April 5, 1842, P. L. 230, Secs. 7 and 8, 2 P. & L. Dig. 4759.

5 Wilkes-Barre City Hospital *vs.* County of Luzerne, 84 Pa. 55.

6 *In re* Northern Home for Friendless Children, 2 W. N. C. 349; See Earley's Ap., 103 Pa. 273.

7 Indiana County *vs.* Agricultural Society, 85 Pa. 357.

8 Act March 31, 1860, P. L. 382, Secs. 62, 63, 1 P. & L. Dig. 1308-9.

9 Com. *vs.* Walton, 182 Pa. 373.

10 Com. *vs.* Pittsburg, 183 Pa. 202.

army[11] is valid and binding. By the Act of June 25, 1895,[12] townships are authorized to appropriate moneys for the expenses of Memorial Day exercises.

Township Buildings.

164. The supervisors, road commissioners, or other officers, having charge of construction and keeping in repair the public roads in any township, are authorized at their option, to cause a suitable lot of ground to be procured, and cause a suitable building to be erected thereon for a town house, in which to hold elections, store road machinery, or for meetings of the township's officers, and for other township uses. The total indebtedness incurred for this purpose shall not exceed one-half of one per cent. of the assessed value of real estate of such township. For this purpose money may be borrowed at a rate of interest, not exceeding six per cent. and bonds issued therefor. An annual tax shall be collected in cash not to exceed fifty per cent. of the rate of assessment laid in each year for road purposes, to be collected in the same manner as are other cash taxes, now collected by law.[13]

Disbursements.

165. In townships of the first class "all disbursements in discharge of township indebtedness duly incurred shall be made by the township treasurer, acting by virtue of warrants, drawn on him by order of the board of township commissioners, attested by the signature of the president, or vice-president, and secretary of the board." The board shall prescribe, by ordinance, the manner in which bills for township indebtedness shall be approved for payment.[14] By the seventeenth section

11 Speer *vs.* Blairsville School Directors, 50 Pa. 150; Ahl *vs.* Gleim, 52 Pa. 432; Hilbish *vs.* Catherman, 64 Pa. 154. These decisions were based on earlier Constitutions, having similar provisions.

12 Act June 25, 1895, P. L. 298, 3 P. & L. Dig. 454.

13 Act June 26, 1895, P. L. 324, 3 P. & L. Dig. 528-9.

14 Act April 28, 1899, P. L. 104, Sec. 8, 4 P. & L. Dig. 922.

of the same act, the treasurer is directed to pay only upon these written warrants or orders.

In other townships, where the office of treasurer exists, he shall receive the township funds, and pay out the same on orders drawn by the supervisors.[15] Where no treasurer is elected, then the township funds are received and disbursed by the supervisors who are accountable to the auditors at the time of annual settlement.[16]

Indebtedness.

166. There are at least two different forms of indebtedness —that which springs from the borrowing of money, and that which springs from the purchase of property or the procurement of work to be done for which the price is not at once paid. Our statutes seem to contemplate that the expense of the ordinary municipal powers shall be met by the revenues derived from year to year by taxation. But the supervisors cannot in any one year lay an assessment exceeding one cent on the dollar for meeting the expenses (and they cannot lay any additional assessment) except for the purpose of paying any just debt due a former overseer or supervisor.

But the credit of the township may be pledged for the repair of roads upon extraordinary emergency, such as the destruction of roads and bridges by floods.[17] So statutory authority is given to purchase road machines on credit, the method of payment being defined by the act.[18] A contract for ordinary expenses within the current revenues is not an increase of indebtedness.[18*] By the Act of April 23, 1903, the indebtedness incurred in townships of the second class by expenditures upon the roads for labor, materials and machines, to an amount not exceeding two per centum of the assessed valuation

15 Act April 15, 1834, P. L. 537, Sec. 96, 2 P. & L. Dig. 4701.
16 Act April 15, 1834, P. L. 537, Sec. 90, 2 P. & L. Dig. 4696.
17 Maneval *vs.* Jackson Twp., 141 Pa. 426.
18 Act May 24, 1887, P. L. 202, 2 P. & L. Dig. 4230.
18* Reuting *vs.* Titusville, 175 Pa. 512.

therein, was validated, though the provisions of the Act of April 20, 1874,[19] had not been complied with. The bonds or securities issued, or assessments made to pay the same, or interest thereon, were declared lawful.

In townships of the first class the board of commissioners has greater power as to the creation of indebtedness. It may borrow money, and issue evidence of indebtedness therefor, provided the total debt so created does not exceed two per centum of the county valuation of the property within the township, without the assent of the electors of the township. No expenditure of a greater sum than one hundred dollars shall be made, however, except by a special resolution of the board. The rate of interest shall not exceed five per cent.[20]

Limitation on the Power to Contract Debts.

167. The eighth section of article nine of the Constitution enacts that "the debt of any . . . . township . . . except as herein provided shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality . . . . incur any new debt or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property without the assent of the electors thereof at a public election in such manner as shall be provided by law." The tenth section of the same article requires that "any . . . . municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years." Under this provision the contraction of indebtedness, without providing for a tax which will pay it in thirty years is void.[21] But incidental and ordinary expenses of making and keeping in repair the highways are not included.[22] The word

19 Act April 20, 1874, P. L. 65, 1 P. & L. Dig. 566.
20 Act April 28, 1899, P. L. 104, Sec. 7, 4 P. & L. Dig. 921.
21 Witherop *vs.* Titusville School Board, 7 Pa. C. C. 451.
22 Lehigh Coal & Navigation Co.'s Ap., 112 Pa. 360.

"indebtedness," as used in the Act of April 20, 1874, shall be deemed, held and taken to include all and every manner of debt, as well floating as funded, of the said municipality; and the net amount of such indebtedness shall be ascertained by deducting from the gross amount thereof, the moneys in the treasury, all outstanding solvent debts, and all revenues applicable within one year to the payment of the same.[23]

Act of April 20, 1874.

168. The Act of April 20, 1874,[24] as amended by the Act of April 13, 1897,[25] gives effect to the constitutional prohibition against increasing the indebtedness of townships, which already equals seven per centum upon the assessed value of their taxable property, by declaring such increase void and by making every officer who wilfully authorizes such increase guilty of and punishable for a misdemeanor. The second section authorizes any municipality to incur an indebtedness to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein, by a vote of the corporate authorities duly recorded on its minutes. It also empowers them to issue coupon bonds or other securities for such indebtedness at not less than their par value in sums not less than $100.00, each bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, the principal to be reimbursable at a period not exceeding thirty years from the time of authorization. An annual tax is to be levied commencing the first year after the incurring or increasing of the indebtedness sufficient to pay interest and the principal in thirty years. The following provision of the Act of April 20, 1874, was stricken out by the amending Act of April 13, 1897,[26] to-wit: "Equal to at least eight per centum of the amount thereof must be assessed to provide for the pay-

23 Act April 20 1874, P. L. 65, Sec. 5, 1 P. & L. Dig. 570.
24 Act April 20, 1874, P. L. 65, 1 P. & L. Dig. 566.
25 Act April 13, 1897, P. L. 17, 3 P. & L. Dig. 439.
26 Act April 13, 1897, P. L. 17, 3 P. & L. Dig. 439.

ment of the interest and the liquidation of the principal. The moneys arising from this tax must be applied annually, and as they accumulate, to the redemption at par of the obligations." Before issuing such bonds or other securities the principal officer or officers of the township must prepare a statement showing its actual indebtedness, the amount of the last preceding assessed valuation of the taxable property therein, the amount of debt to be incurred, the form, number and date of maturity of the obligations to be issued therefor, and the amount of the annual tax levied and assessed to pay this indebtedness.[27] This statement, to which must be appended his or their oath or affirmation of the truth of the facts therein stated, must be filed in the office of the clerk of the court of quarter sessions of the county.[28] A certified copy of the record of it is made competent evidence in all courts.

Under this act, where a municipality incurred an aggregate indebtedness in excess of two per cent. of the taxable property, the borough might issue a new loan for the entire indebtedness, if approved at an election duly advertised, all old bonds to be retired, with the proceeds of the new loan.[29]

Act of April 20, 1874, Continued.

169. The third section, as amended by the Act of June 9, 1891,[30] makes provision for the increase of the indebtedness of the township to an amount greater than two and less than seven per centum of the last preceding valuation, of its taxable prop-

27 Perhaps the omission to file the statement will not vitiate the securities, issued, but those who take them should be affected with notice of all the facts that would properly have appeared in the statement. If all facts, other than the filing, necessary to the validity of the securities exist, they will be valid; if any of them are wanting, the securities will be void. Rainsburg Borough *vs.* Fyan, 127 Pa. 74; Fyan *vs.* Rainsburg Borough, 5 Pa. C. C. 443.

28 Omission to comply with this provision concerning a statement is made a misdemeanor. Laird *vs.* Greensburg Bor., 8 Pa. C. C. 621.

29 Roye *vs.* Columbia Borough, 192 Pa. 146.

30 Act June 9, 1891, P. L. 252, 1 P. & L. Dig. 568.

erty, with the assent of its electors, duly obtained at a public election, to be held in it. The corporate authorities by their vote, having signified a desire to make such an increase of indebtedness, must give notice during at least thirty days, by weekly advertisements in newspapers, not exceeding three, in the township; or if there be no newspapers published therein, by at least twenty printed hand bills posted in the most public parts thereof, of an election at the places of holding municipal elections, on a day prescribed by them which day, however, must be that of the ordinary municipal or of the general election, unless more than ninety days elapse between the date of the ordinance or vote in favor of the increase of indebtedness, and the day for such municipal or general election. The publications by newspapers must be weekly. The notices should appear during the thirty days immediately preceding the election. This provision concerning notice is not directory but mandatory.[31] Substantial compliance as to notice is all that is required.[32] At this election the electors will indicate their will in regard to increasing the indebtedness. The notice must contain a statement of the amount of the last assessed valuation; of the amount of the existing debt; of the amount and percentage of the proposed increase, and of the purposes for which the indebtedness is to be increased. The election will be held under the same regulations as other municipal elections. It is the duty of the judges and inspectors to receive tickets, written or printed, from electors qualified under the Constitution to vote, labeled on the outside, "Increase the debt," and containing on the inside the words "No increase of debt" or "Debt may be increased," together with a brief statement of the purpose and amount of increase. These tickets, deposited, as in other elections, in a box provided for that purpose, must be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county, duly certified, together with a certi-

31 Witherop *vs.* Titusville School Board, 7 Pa. C. C. 451.
32 Harrisburg *vs.* Bank, 6 Dauphin 4.

fied copy of the ordinance and the advertisement. The clerk must make a record of the same and furnish a certified copy thereof, showing the result under seal, to the corporate authorities, which must be placed of record upon their minutes.[33]

The fourteenth section of the Act of June 10, 1893,[34] which directs the form of ballot with respect to constitutional amendments and other questions submitted to the people, is unconstitutional, because the title to the act gives no notice of this subject,[35] and it does not therefore repeal former acts.[36] By the Act of May 25, 1897,[37] elections held since June 19, 1891, for increasing indebtedness were validated, though the form of ballot deviated from the standard fixed in that act, where the votes have been properly certified and counted, improvements made and indebtedness created on the strength of the election held.[38]

The ballots for the voting upon the question are to be furnished by the township,[39] and not by the county commissioners. Where several debts are to be created, each should be separately submitted to the people so that they will not be compelled to choose between the loss of a measure which they desire carried out, and the adoption, along with it, of a measure to which they are opposed. The court will enjoin against the holding of an election if this rule is broken in the form of the submis-

33 The Act of June 9, 1891, P. L. 252, 1 P. & L. Dig. 568, also provides that "the vote shall be counted by the court, as is now provided by general laws governing municipal elections." But, as there is no general law requiring the court to so count the votes, such provision can have no application to a vote in a township for the increase of indebtedness. Such ruling has been made in the case of a borough. Clough *vs.* Shreve, 10 Pa. C. C. 398.

34 Act June 10, 1893, P. L. 419, 1 P. & L. Dig. 1771.

35 Evans *vs.* Willistown Borough, 168 Pa. 578; Millville Borough Annexation, 18 Pa. C. C. 155, 5 D. R. 726; Com. *vs.* Weir, 15 Pa. C. C. 425.

36 Evans *vs.* Willistown Township, *supra;* here the election which conformed to the Act of June 9, 1891, was held valid.

37 Act May 25, 1897, P. L. 91, 3 P. & L. Dig. 442.

38 See also Act April 23, 1903, P. L. 282. Act Feb. 13, 1901, P. L. 8, 4 P. & L. Dig. 1310; Act April 19, 1901, P. L. 80, 4 P. & L. Dig. 1310.

39 Com. *vs.* Weir, 15 Pa. C. C. 425.

sion.[40] After the electors have authorized a debt, no inquiry will be made into their motives, or into any misrepresentations by which their assent was secured.[41]

Act of April 20, 1874, Continued.

170. The fourth section of the Act of April 20, 1874,[42] was amended by the Act of April 18, 1895,[43] and again by the Act of May 11, 1897,[44] as follows:

"Whenever, by the returns of such election, it shall appear that there is a majority voting for 'no increase of debt,' such increase shall not be made. Nor shall any other election upon the same subject be held in that municipality for one year from the date of such preceding election. If the return of such election shall show a majority voting 'that debt may be increased,' the corporate authorities of the municipality may increase the same to the amount named and specified in the notice given for the holding of such election, not exceeding seven per centum of the last assessed valuation of such municipality in the manner and subject to all the requirements provided by the second section of this act for increasing indebtedness, to an amount not exceeding two per centum of the last assessed valuation, including the amount named in the sworn statement to be filed in the office of the court of quarter sessions of the proper county; and they shall, before issuing any obligations, therefor, assess and levy an annual tax, the collection whereof shall commence the first year after the said increase, which tax shall be equal to and sufficient for and applied exclusively to the payment of the interest and the principal of such debt within a period not exceeding thirty years from the date of such in-

40 Bloomsburg Town Election, 18 Pa. C. C. 449, 4 D. R. 671.

41 Howard's Appeal, 162 Pa. 374. It was here alleged that the voters believed that the money secured was to be used for street improvements, whereas it was intended to be spent by councils in erecting water works.

42 Act April 20, 1874, P. L. 65, 1 P. & L. Dig. 569.

43 Act April 18, 1895, P. L. 36.

44 Act May 11, 1897, P. L. 53, 3 P. & L. Dig. 440.

crease; and the moneys arising from such tax shall be applied, at such periods as the municipality may stipulate in such obligations, to the redemption, at par, of the said outstanding obligations according to their terms."

Under the Act of April 18, 1895, it was held that the municipality could increase its debt by vote of the people to only two per centum at any time.[45]

Act of April 20, 1874, Continued.

171. "The existing indebtedness of any such municipality evidenced by outstanding bonds or certificates of indebtedness heretofore issued, may be provided for as the same shall mature, by a re-issue of bonds or certificates of indebtedness to the holders of said outstanding bonds or certificates, or by the issue and sale at not less than par of new bonds or certificates; and the present floating indebtedness of any such municipality, may be funded by the issue and sale at not less than par of bonds or certificates of indebtedness in sums not less than one hundred dollars each: *Provided,* That no such bonds or certificates shall be issued for a longer period than thirty years from the date thereof; and it shall be the duty of the proper corporate authorities of such municipality to provide for the payment of principal and interest of all such bonds, in the manner pointed out in the fourth section of this act." [46]

Exchanging Securities.

172. The Act of April 14, 1881,[47] amended by the Act of March 1, 1899,[48] enacts that when any county, city, borough, etc., has issued bonds or other interest-bearing evidences of indebtedness, with or without coupons, such county, city, borough, etc., may redeem or pay off any or all of the bonds or other interest-bearing evidences of indebtedness, when these

45 Sener *vs.* Ephrata Borough, 176 Pa. 8.
46 Act April 20, 1874, P. L. 65, Sec. 7, 1 P. & L. Dig. 570.
47 Act April 14, 1881, P. L. 10.
48 Act March 1, 1899, P. L. 6, 4 P. & L. Dig. 1311.

have matured, but remain unpaid or are about to become payable, or when the county, city, borough, etc., has the option to redeem or pay them or whenever the holders of unmatured bonds are willing to surrender the whole or part of the issue. For this purpose the county, city, borough, etc., may issue and sell registered or coupon bonds, either with or without coupons, bearing interest not exceeding the rate which the issue to be refunded bears, redeemable at the option of the county, city, borough, etc., in five years and payable at a time not exceeding thirty years from their date and not exceeding in the aggregate the amount of the bonds or other evidences of indebtedness so redeemed or paid. These new bonds are exempted from taxation except for State purposes. All moneys for the redemption of the issue of bonds proposed to be refunded, placed in the sinking fund, if any, shall be first applied to the payment, as far as applicable, of the principal of such bonds, and the balance of such issue only shall be redeemed by the issue of new bonds.

The second section of the Act of 1881 provided that the holder of any of the bonds or evidences of indebtedness to be superseded shall first have the right to surrender them and to accept new bonds. Of this right notice by publication was to be given for three weeks in at least one newspaper published in the county before any new bonds should be sold. But this legislation was repealed by the Act of March 1, 1899.[49]

Statement of Indebtedness.

173. "The corporate authorities of every such municipality or district shall, annually, in the month of January, prepare and publish in at least two newspapers of said municipality, or of the county in which the same is situate, if so many be printed therein, a statement showing in detail the actual indebtedness, the amount of the funded debt, the amount of the floating debt thereof, the valuation of taxable property therein, the assets

49 Act March 1, 1899, P. L. 6, Sec. 2, 4 P. & L. Dig. 1312.

of the corporation, with the character and nature thereof, and the date of maturity of the respective forms of funded debt thereof, and a neglect or failure so to do shall be a misdemeanor, punishable by fine not exceeding one thousand dollars." [50]

Ratifying Increases.

174. By the Act of May 19, 1897,[51] bonds issued by municipalities in excess of two per centum, since April 18, 1895, were ratified and made valid obligations according to their tenor.

By the Act of May 25, 1897,[52] indebtedness incurred since June 19, 1891, where the assent of the electors had been obtained, and the vote duly certified and counted, and improvements made and debt incurred in good faith on the strength thereof, was validated, though the form of ballot was improper.

By the Act of June 23, 1897,[53] elections were approved, although notice of the election therefor was not published in the newspapers in the said district, but in three papers of the county of general circulation in the district in which said election was held, if notice was given by hand bills as required by law.

By the Act of February 13, 1901,[54] defects in time or manner of calling the election, in the form of ballot, or mode of conducting the election, were condoned, and the increase validated.[55]

By the Act of April 19, 1901,[56] elections held after June 19, 1891, were ratified, where the assent of the electors was obtained, and the vote was duly returned and counted.

By the Act of April 23, 1903,[57] like provision was made

50 Act April 20, 1874, Sec. 6. Amended so as to read "at the end of their fiscal year" by Act of April 12, 1875, P. L. 46, Sec. 6, 1 P. & L. Dig. 570.

51 Act May 19, 1897, P. L. 76, Sec. 1, 3 P. & L. Dig. 442.

52 Act May 25, 1897, P. L. 91, 3 P. & L. Dig. 441.

53 Act June 23, 1897, P. L. 201, 3 P. & L. Dig. 442.

54 Act Feb. 13, 1901, P. L. 8, 4 P. & L. Dig. 1310.

55 See also the Act of June 4, 1901, P. L. 363, 4 P. & L. Dig. 1310.

56 Act April 19, 1901, P. L. 80, 4 P. & L. Dig. 1310.

57 Act April 23, 1903, P. L. 282.

though there were defects in the ballots, and though general official ballots were used, instead of separate ones.

By the Act of April 23, 1903,[58] indebtedness incurred since April 20, 1874, in townships of the second class, not exceeding two per centum of the valuation, for the repairs of roads or the purchase of machinery, for which evidences of indebtedness have been issued and taxes levied, are declared valid.

58 Act April 23, 1903, P. L. 279.

CHAPTER XIX.

TAXATION.

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Assessment of Tax.

175. "It shall be lawful for the supervisors of any township to lay a rate or assessment not exceeding one cent on the dollar upon real and personal estate, offices, trades and occupations for the purpose of laying out, opening, making, amending or repairing of roads and highways and for the making or repairing of bridges, and for such other purposes as may be authorized by law." [1] The township's assessors shall aid in this work, and for this purpose shall furnish a correct copy of the last adjusted valuation in the township.[2]

The rates or assessments laid are to be entered in books prepared for that purpose and deposited with the town clerk, if there be one; but if not, it shall remain with the supervisor, and any inhabitant or person charged within the township is

1 Act April 15, 1834, P. L. 509, Sec. 25, 2 P. & L. Dig. 4595.
2 Act April 15, 1834, P. L. 509, Sec. 28, 2 P. & L. Dig. 4596.

entitled to inspect the same without cost, and shall be furnished a copy upon demand upon the payment of ten cents for every twenty-four names.[3] The books for this purpose are to be furnished by the supervisors.[4] If the assessment is not so entered it has been held to be void.[5] But in Kitchen *vs.* Smith [6] it was said that such provision was merely directory, and that the validity of the tax did not rest on it. Duplicates of the assessments shall be signed by the supervisors, and they shall issue their warrants with such duplicate to the collector of rates and levies.[7] The duplicates shall be delivered to the tax collectors.[8] The Act of April 15, 1834,[9] had previously directed the issue of the warrant to the township's treasurer, if such officer existed. Otherwise the supervisors could collect themselves, or appoint another.[10] They may now collect the road taxes not worked out, themselves, or place their warrant for such collection in the hands of the township's collector, but they cannot give the same to a third party.[11]

Basis of Levy.

176. The assessment laid for township purposes is to be levied upon the basis of the last adjusted valuation made for the purpose of regulating county rates.[12] If this is done the taxpayer cannot object to the valuation as raised by the county commissioners, if he has failed to appeal from their assessment.[13] During the pendency of the appeal, the tax is to be

3 Act April 15, 1834, P. L. 509, Sec. 29, 2 P. & L. Dig. 4596.
4 Laubach *vs.* Dodson, 1 Kulp. 83.
5 Laubach *vs.* Dodson, 1 Kulp 83.
6 Kitchen *vs.* Smith, 101 Pa. 452.
7 Act April 15, 1834, P. L. 509, Sec. 33, 2 P. & L. Dig. 4600.
8 Act June 25, 1885, P. L. 187, Sec. 4, 2 P. & L. Dig. 4604.
9 Act April 15, 1834, P. L. 509, Sec. 39, 2 P. & L. Dig. 4600.
10 See also Act March 29, 1860, P. L. 337, Sec. 1, 2 P. & L. Dig. 4601; Roche *vs.* Sommers, 3 Luz. Law Times (N. S.) 73.
11 Magill *vs.* Hellyer, 2 D. R. 644, s. c. 13 Pa. C. C. 257.
12 Act April 15, 1834, P. L. 509, Sec. 27, 2 P. & L. Dig. 4596.
13 Stewart *vs.* Maple, 70 Pa. 221.

paid on the revised valuation, but if it is determined, that fixed by the court becomes the true assessment.[14]

From the rate as fixed by the supervisors, any party aggrieved may petition the next court of quarter sessions for relief. A bond in such case shall be given by the appellant in the name of the township, and if deemed expedient, the court may stay all proceedings for the collection of the sum with which such person stands charged until the appeal is determined.[15] Since an appeal has been provided, the court will not enjoin because of an excessive valuation.[16] Jurisdiction under this legislation is limited to road and poor taxes levied. The court of quarter sessions has therefore no jurisdiction on an appeal from the action of a school board in levying and collecting taxes.[17] Nor would it have in the case of an assessment made by virtue of the Act of February 28, 1835, for the purpose of discharging debts due former supervisors.[18]

If the tax has been assessed and is payable to a township before its division, the sum received by the county treasurer from the sale of unseated land and due to the township is to be paid to the old township, though the land assessed is in the new one.[19]

Special Taxes Under Act of 1835.

177. By the Act of February 28, 1835,[20] the supervisors of the township are given power to levy a rate or assessment, and collect the same, for the purpose of discharging any just debt due a former supervisor or overseer of the poor.[21] Such assessments must be made by the supervisors themselves, and

14 Plains Township's Appeal, 21 Pa. Sup. 68.

15 Act April 15, 1834, P. L. 509, Secs. 36, 37 and 38, 2 P. & L. Dig. 4600.

16 Manor Real Estate Co. *vs.* Cooner, 13 D. R. 83.

17 Smith *vs.* Middle Smithfield School District, 7 Pa. C. C. 256.

18 Dunne *vs.* Degan, 43 Pa. 334; see also Delaware & Hudson Canal Co. *vs.* Walker, 2 Luz. L. R. 127.

19 Barnett Township *vs.* Jefferson County, 9 Watts 166.

20 Act Feb. 28, 1835, P. L. 45, Sec. 7, 2 P. & L. Dig. 4595.

21 Delaware & Hudson Canal Co. *vs.* Walker, 2 Luz. L. Reg. 127.

overseers of the poor would have no such power.[22] The right to so levy is vested directly in the supervisors, and no application to court is required.[23] The tax is to be levied in addition to the regular assessment for township purposes, as provided by the twenty-fifth section of the Act of April 15, 1834,[24] And can only be assessed to pay indebtedness due to the individual mentioned, and not to satisfy claims of outside parties from whom the supervisors or auditors have borrowed money.[25] For the purposes designated in the act, the supervisors may be compelled by mandamus to make the necessary levy.[26] In determining the existence of such indebtedness a judgment obtained by the supervisors is conclusive as to the township's liability.[27] No right is given to the taxpayer to work out this tax, or to appeal from the assessment of it.[28]

Special Tax Under the Act of 1864.

178. By the Act of March 31, 1864,[29] the court of quarter sessions is given jurisdiction to order the levy of a special tax when it is made to appear that the debts due by the township exceed the amount which the supervisors may collect in any year by taxation as at present regulated, or when the proper officer refuses to levy a tax for the purposes set forth in seventh section Act 25th of February, 1835. It is the duty of the court in such case to ascertain the amount of indebtedness and to order a tax sufficient to pay the same. If the sum is so great that the court deems it unwise to collect the entire

22 Delaware & Hudson Canal Co. *vs.* Higgins, 2 Luz. L. R. 171.

23 Blanchard *vs.* Tioga Improvement Company, 3 Gr. 216. *In re* Indebtedness of Marcy Township, 9 Kulp 424.

24 Act April 15, 1834, P. L. 509, 2 P. & L. Dig. 4595. *In re* Indebtedness of Marcy Township, 9 Kulp 424.

25 Chanceford Township *vs.* Craley, 11 D. R. 724, s. c. 15 York 149.

26 Lehigh Coal & Navigation Co.'s Appeal, 112 Pa. 360. *In re* Indebtedness of Marcy Township, 9 Kulp 424.

27 *In re* Wilkes-Barre Township, 4 Kulp 83.

28 Dunne *vs.* Deegan, 43 Pa. 334.

29 Act March 31, 1864, P. L. 162, Sec. 1, 2 P. & L. Dig. 4602, amended by the Act of May 24, 1887, P. L. 183.

amount in one year, it may direct the same to be levied and collected by annual installments. In no case shall the tax exceed five mills in any one year. The court must have before it the amount of the indebtedness with a statement of the valuation and classification of the taxable objects within the township, so that an intelligent and satisfactory decree can be made.[30] It must find that there will not be sufficient money in one year to pay the indebtedness.[31] The Act of 1864 presupposes that the total amount of the debt has been previously ascertained by auditor's settlement, judgment or otherwise.[32] If a commissioner is appointed to marshall the debts, he cannot try on the merits the validity of a claim contested before him.[33] Judgments of the court of common pleas, or rendered by justices of the peace cannot be collaterally attacked in such proceedings in the absence of jurisdictional defects.[34] The amount of the levy is to be based upon the assessed valuation as revised and equalized by county commissioners, and not upon the return of the assessors to the commissioners.[35] After the indebtedness is ascertained, and the rate fixed, the court may direct the proper officer to collect the special tax.[36] The collection may be enforced by mandamus.[37] It would seem that taxpayers could not intervene in such proceedings, since this right is limited by Act of March 23, 1877,[38] to proceedings in the common pleas.[39] Appeals may be taken from the decree entered by the court, but in such case nothing is brought up for review except the regularity of the proceedings.[40]

30 Brown *vs.* Rush Township No. 1, 18 Pa. C. C., 394, s. c. 5 D. R. 517.
31 Brown *vs.* Rush Township No. 2, 18 Pa. C. C. 397, 5 D. R. 518.
32 Lehigh Coal & Navigation Co.'s Appeal, 112 Pa. 360.
33 *In re* Lackawanna Township, 15 York 202, s. c. 8 Lack. L. News 113.
34 Plains Township Appeal, 206 Pa. 556, affirming 21 Pa. Sup. 68.
35 Plains Township's Appeal, 21 Pa. Sup. 68.
36 *In re* Lackawanna Township, 8 Lack. L. News 113, s. c. 15 York 202.
37 Lehigh Coal & Navigation Company's Appeal, 112 Pa. 360.
38 Act March 23, 1877, P. L. 20, 1 P. & L. Dig. 1000.
39 Lehigh Coal & Navigation Company's Appeal, 112 Pa. 360.
40 Plains Township's Appeal, 206 Pa. 556.

The tax is to be collected by the proper officer. Since the Act of June 25, 1885,[41] this would be the tax collector. From him a special bond may be required.[42] For his services he is entitled to a commission of five per cent. [43] The sum collected is payable to the township treasurer, if such exists,[44] or otherwise to the supervisors. The court has no power to appoint a receiver for the funds collected.[45] Such officer is not entitled to commissions on the fund.[46] In the payment of the indebtedness, the amount ascertained by the court to be due, is the sum payable. So where the tax was levied to pay a debt with interest to a certain date, the treasurer cannot be compelled by mandamus to pay interest to the date of payment.[47] When the creditor has been paid, the court has no power to compel him to appear and enter satisfaction upon the record. This should appear by the return of the officers to the mandamus.[48]

Road Taxes.

179. The supervisors are authorized to make an assessment for the purpose of laying out, opening, making or the repairing of roads and highways.[49] Such tax is a public one within the meaning of the ninth section of the Act of June 13, 1836, providing that a pauper may secure a settlement by the payment of a tax for two successive years.[50] The assessment is to be based upon the last valuation unless the supervisors receive notice of a successful appeal from it.[51] The real estate of the directors of the poor is exempt, though an act provides that the

41 Act June 25, 1885, P. L. 187, Sec. 4, 2 P. & L. Dig. 4604.
42 Act May 25, 1878, P. L. 150, P. & L. Dig. 4604.
43 Breisch *vs.* Brennan, 15 Phila. 641, s. c. 1 Walker 522.
44 *In re* Foster Township, 7 Kulp 21, s. c. 2 D. R. 415.
45 *In re* Foster Township, 2 D. R. 415, s. c. 7 Kulp 21.
46 Brennan's Appeal, 1 Walker 522, s. c. 15 Phila. 641.
47 *In re* Plains Township, 7 Kulp 234.
48 *In re* Marcy Township, 10 Kulp 43.
49 Act April 15, 1834, P. L. 509, Sec. 25, 2 P. & L. Dig. 4595.
50 Overseers of Houston Twp. *vs.* Overseers of Benezette Twp., 135 Pa. 393.
51 Birmingham Twp. *vs.* Brandywine Summit Kaolin Co., 5 Del. Co. 378.

real estate of the county shall be liable.[52] The road tax is payable by the owner of the real estate.[53] But a wife is not considered an occupant of the land, while the husband is residing upon the same, so as to render her separate property liable for road tax assessed and levied against him.[54] The tax is to be levied at the beginning of the year and not at the end.[55] The amount is fixed by the supervisors and their discretion cannot be controlled by the court so long as the rate does not exceed the amount allowed by law.[56] But the supervisors will not be compelled by mandamus to levy a road tax where the taxpayers have voluntarily provided funds and paid for all necessary work.[57]

Before issuing a duplicate or warrant for the collection of road taxes, it is the duty of the supervisors of every township to give notice to all persons rated for such taxes, by advertisement or otherwise, to attend at such times and places as the supervisors may direct, so as to give said persons full opportunity to work out their respective taxes.[58] The opportunity to work out the taxes is a condition precedent to a collection by legal process.[59] If the persons assessed are not residents, the supervisors may give notice by advertisement.[60] The supervisors have no power to enter into any contract which will deprive the taxpayer of any privilege to so work it out.[61] The tax may be worked out by the construction of a macadamized road under the direction of the supervisors.[62] But the tax-

52 Cumru Township *vs.* Directors of the Poor of Berks Co., 112 Pa. 264.
53 Miller *vs.* Gorman, 38 Pa. 309.
54 Ferguson *vs.* Moore, 5 Pa. Sup. 349.
55 Williams *vs.* Wright, 6 Pa. C. C. 497; Shaeffer *vs.* Shaeffer, 7 Lanc. L. R. 307.
56 Hummel's Petition, 2 Pearson 454.
57 Com. *vs.* Crane, 5 Pa. C. C. 421.
58 Act April 15, 1834, P. L. 509, Sec. 34, 2 P. & L. Dig. 4597.
59 See Ferguson *vs.* Moore, 5 Pa. Sup. 349.
60 Miller *vs.* Gorman, 38 Pa. 309.
61 Childs *vs.* Brown Township, 40 Pa. 332.
62 Vandegrift's Appeal, 4 Del. Co. 113.

payer must obey the call of the supervisor, and has no privilege to choose his own time and place for doing the work.[63] Relief will not be granted where he has made no demand for opportunity to work until long after the notice to so do has been given to him.[64]

The supervisor will not be compelled to deliver to the tax collector the duplicate of the road taxes. The Act of June 25, 1885, refers to only such taxes as remain and become collectible after the taxpayers have worked out as much as they elect.[65] And the supervisors may collect themselves.[66] The warrant cannot issue where there has been no notice or *bona fide* opportunity given to work out the taxes.[67] And the work may be done by the tenants on the land, if they so offer.[68] Where the warrant is regularly issued the tax collector is authorized to sell by the Act of May 22, 1895.[69] If unseated lands, chargeable with road tax, are sold by the county commissioners the sum due the township becomes payable upon the date of the sale; and if not enough is received to pay both the county and the township, each is entitled to its proportion.[70] If there has been a failure to furnish the opportunity to work out the tax, the collector may be restrained by injunction from collecting it in money.[71] But the injunction will not be granted where the taxpayer is in default.[72] Nor to restrain until a credit is given,

63 Cresswell *vs.* Montgomery, 13 Pa. Sup. 87; Utt *vs.* Yocum, 8 Luz. L. R. 277.

64 Williams *vs.* Wright, 6 Pa. C. C. 497.

65 Magill's Case, 13 Pa. C. C. 257.

66 Cresswell *vs.* Montgomery, 13 Pa. Sup. 87.

67 Coal Co. *vs.* Kelley, 2 Kulp 41.

68 Miller *vs.* Gorman, 38 Pa. 309.

69 Act May 22, 1895, P. L. 111; see Rice *vs.* Burns, 9 Pa. Sup. 58; Pearce *vs.* Torrence, 2 Gr. 82.

70 Township of Rush *vs.* Schuylkill County, 100 Pa. 356.

71 Miller *vs.* Gorman, 38 Pa. 309; R. R. Co. *vs.* O'Hara, 1 Lanc. L. R. 147.

72 Williams *vs.* Wright, 6 Pa. C. C. 497; Black *vs.* Boyd, 155 Pa. 163; Alderfer *vs.* Snyder, 2 Montg. Co. 53.

where such is not properly allowable.[73] If the relief is proper, supervisors may also be enjoined from incurring debts to an amount greater than the cash to be received.[74] Where a settlement has been made between the taxpayer and the supervisor of the taxes in contention, after an action before a justice of the peace, the township will be estopped from bringing a subsequent suit for the same.[75] Neither the township treasurer, nor the collector is entitled to commissions on such road taxes as are worked out.[76] The sum received is to be used for the purposes mentioned in the act. Only such as is surplus is applicable to the payment of other indebtedness.[77] Where a proportion of the road tax is made payable by Act of Assembly to a commission appointed for the building of a State road, until the same is completed, no portion of such tax can be used for such purpose after its completion, though a part of the debt remains unpaid.[78]

Cash Road Tax.

180. Townships are authorized to levy cash road taxes to meet the cost of permanent road improvements as provided for by the Act of April 15, 1903.[79]

Rebates.

181. The Act of June 25, 1885, authorizing a reduction of five per cent. from township taxes paid within sixty days, does not include road taxes.[80] By the Act of April 24, 1901,[81] sup-

73 Porter Township Road, 1 Walker 10.
74 Coxe *vs.* Sweeney, 10 Pa. C. C. 289.
75 French Creek Township *vs.* Moore, 165 Pa. 229.
76 Brennan's Appeal, 1 Walker 522, *sub nom.;* Breisch *vs.* Brennan, 15 Phila. 641.
77 Lydon *vs.* Lackawanna Township, 4 Lack. Jur. 33; Larimer *vs.* Pitt Township, 2 Pitts. 352.
78 Lumber Township *vs.* Cameron County, 134 Pa. 105.
79 Act April 15, 1903, P. L. 188, Sec. 8.
80 Kemmerer *vs.* Foster Township, 120 Pa. 153.
81 Act April 24, 1901, P. L. 99, 4 P. & L. Dig. 1473.

planting the Act of June 25, 1895,[82] a rebate is allowed of one-fourth of the assessed highway tax (provided such rebate shall not exceed in any one year five days' labor on the highways for road or highway tax, or its equivalent in cash, to any one person), where the taxpayer shall only use draft wagons on the public highways with tires not less than four inches in width for hauling loads of not less than 2,000 pounds weight. This rebate is allowable, notwithstanding the taxpayer owns wagons having tires of less width, provided he does not carry two thousand pounds in such wagons.[83] A tenant, who has contracted to pay the road taxes, may also secure the benefits of this legislation. In all cases an affidavit as to the facts must be made. The supervisor may administer the requisite oath.[83*] If loads of more than 10,000 pounds are carried in wagons having tires of a less width than four inches, the person so doing is liable to a fine of $5.00 for each offence, the funds so received being used for road purposes.[84]

(*a*) **Rebate for Planting Trees.**

By the Act of July 2, 1901,[85] supplanting the Act of May 2, 1879,[86] owners of property, subject to road tax, are entitled to an abatement of $1.00 for every two trees of suitable size set along a road which runs through or adjoins cultivated fields. Such abatement shall not be for a greater sum in any one year than one-fourth of the road tax. It is to be granted for the planting of new trees or for trees already growing or for trees transplanted, to take the place of those which have died. No row of elms shall be placed nearer than seventy feet; no row of maples or other forest trees nearer than fifty feet, except locusts and Carolina poplars, which may be set thirty feet apart, and except fruit trees, which may be set forty feet apart.

82 Act June 25, 1895, P. L. 288.
83 Highway Tax Rebate, 5 D. R. 208, s. c. 17 Pa. C. C. 517.
83* Act April 24, 1901, P. L. 99, 4 P. & L. Dig. 1473.
84 Act April 24, 1901, P. L. 99, Sec. 2, 4 P. & L. Dig. 1473.
85 Act July 2, 1901, P. L. 610, 4 P. & L. Dig. 1474.
86 Act May 2, 1879, P. L. 47, 2 P. & L. Dig. 4703.

The allowance is not to be made unless the trees have been set out the year preceding to the demand, and are living and well protected from domestic animals at the time of such demand. The supervisors are required to keep a permanent record in a book especially prepared for that purpose of all the trees upon which the said abatement has been granted. And if any such are removed, the date thereof is to be distinctly entered in this book. Should any trees be negligently injured by horses or other domestic animals, or be cut down, the offender is subject to a penalty of $5.00 for each tree so injured. In case there is a failure to pay after judgment is rendered, the offender may be committed to the county jail for a period not less than one day for each dollar of penalty imposed and the costs. The owner of the land, however, may remove such trees, on condition that he immediately plant and maintain another tree or trees in the place of those removed by him, or refund to the township the abatement allowed.

(*b*) Rebate for Forests.

To preserve the forests of the State a rebate is allowed of not more than eighty per cent. of the taxes assessed against land having at least fifty trees per acre of eight inches in diameter six feet from the ground, and provided that the rebate shall not exceed forty-five cents per acre.[87] A judgment by a justice for such rebate for the aggregate tax, estimated on the average tax per acre, instead of eighty per cent. thereof, will be reversed.[88]

Making Roads or Bridges.

182. By the Act of June 13, 1893,[89] taxpayers may acquire

87 Act April 11, 1901, P. L. 77, 4 P. & L. Dig. 1472.

88 Kriebel *vs.* Malsberger, 2 Just. Law Rep. 136.

89 Act June 12, 1893, P. L. 451, 2 P. & L. Dig. 4598. This legislation is not unconstitutional because adopted in only certain townships of the State. Lehigh Valley Coal Company's Appeal, 164 Pa. 44, reversing 7 Kulp 271; Phila. & Reading Coal and Iron Co.'s Petitions, 194 Pa. 248; For townships of the first class, see the Act of May 24, 1901, P. L. 297, 4 P. & L. Dig. 917. The Act of 1899 had repealed the Act of 1893, as to such townships; Phila. & Reading Coal and Iron Co.'s Petition, 200 Pa. 352.

the right to make and repair the public highways and bridges of the township by presenting before the beginning of any township's fiscal year, a petition to the court of quarter sessions setting forth that the petitioner is the owner of property taxed for road purposes, giving the approximate number of miles of public roads, and stating the desirability of the petitioner's laying out, making, amending or repairing the public highways and bridges, wholly at his or their expense, and to pay the other expenses of the township, as hereinafter provided, without any claims against the township, by reason of the materials and money so furnished. This petition shall be accompanied by a bond in a sum equal to five hundred dollars for each and every mile of public road in the township, conditioned to save the township harmless from any loss or claim by reason of any failure to perform said duty. Notice of intention to present the petition and bond, at least ten days before the same are so presented, must be given to the supervisor or supervisors and auditors of the said township, or to the road commissioners of said road.

Contract with Petitioners.

183. "Upon said petition, bond and proof of the notice required in the preceding section hereof being presented to the said court, the same shall be ordered to be filed, and the court being satisfied of the good faith of the petitioners and the sufficiency of the petition, bond and notice shall order and direct the supervisor or supervisors of such township or road commissioners of such road district, on behalf of the township or road district they represent, to enter into a contract with the said petitioner or petitioners whereby the said petitioner or petitioners shall bind him, her or itself or themselves:

"I. To open, make, amend and repair the public highways and bridges of said township or road district for the ensuing fiscal year thereof in a lawful and workmanlike manner, wholly at the expense of the said petitioner or petitioners, and without

creating thereby any claim upon or right against said township for or by reason of the materials, labor or money for such person employed.

"II. To indemnify and save harmless the said township or road district from all claim, damage, cost or expense of whatever kind for or by reason of any act or omission of said petitioner or petitioners, whereby any claim, suit or other demand may be set up or recovered against said township or road district.

"III. To pay, within sixty days from the beginning of said fiscal year, to the following officers of such township or road district, the following sums to be received by said officers in full for all demands against such township or road district for their respective services as such officers to said township or road district for the fiscal year for which the said contract is made with such petitioner or petitioners, namely: To the township clerk, the sum of fifty dollars; to each of the auditors of such township, the sum of twenty-five dollars; and to an attorney to be elected by such supervisors or road commissioners as counsel for said township or road district, the sum of fifty dollars; to each supervisor or road commissioner, the sum of two hundred and fifty dollars." [90]

In consideration of the obligation assumed the supervisor or supervisors or road commissioner, on behalf of such township or road district shall stipulate that said township will not assess, collect or levy any tax during the fiscal year, in which such contract is made.[91] Supervisors nevertheless are required to inspect the public roads, at least once in every month, and if repairs be needed, they shall notify the petitioners to make the necessary changes. In case they fail to do so, within five days after notice, the supervisor is empowered to purchase such material and employ such men as may be necessary to

90 Act June 10, 1893, P. L. 451, Sec. 5, 2 P. & L. Dig. 4599.
91 Act June 10, 1893, P. L. 451, Sec. 6, 2 P. & L. Dig. 4600.

repair the said road, and to charge the same to the petitioners.[92] Those employed may maintain an action against the township.[93]

General Road System Tax.

184. A general system in the construction of township roads was provided by the Act of June 23, 1897,[94] which regulates the levying and collection of road taxes, for the purposes mentioned in the act. This legislation, however, has never become effective, because of the requirement of section 21, that it should not operate until the sum of one million dollars had been appropriated by the Act of Assembly, or received in the State Treasury for taxes for road purposes.

Liquor License Fees.

185. Under the Act of June 9, 1891,[95] amending the Act of May 13, 1887,[96] the county treasurer is the proper officer to collect the liquor license fees. The duty then devolves upon him to pay over the proper proportion to the proper municipality.[97] One-half of the fee paid, less the proportionate share of the expense attending the collection of it, is for the township. The money thus paid to the township treasurer is to be applied to keep the road in good repair.[98] The sum received can be applied to no other purpose unless there be a surplus.[99] The fund is payable to the township treasurer, or if there is no such officer, to the supervisors. When this has been done, and the auditors have charged the supervisors, and their report is unappealed from, the sureties of the supervisors

92 Act June 10, 1893, P. L. 451, Sec. 2, 2 P. & L. Dig. 4598.
93 Wilkes-Barre Twp. Indebtedness, 8 Kulp 516.
94 Act June 23, 1897, P. L. 194, 3 P. & L. Dig. 515.
95 Act June 9, 1891, P. L. 248, Sec. 1, 1 P. & L. Dig. 2709.
96 Act May 13, 1887, P. L. 108.
97 Kittanning Borough *vs.* Mast, 15 Pa. Sup. 51; Liquor License Fees, 6 Pa. C. C. 27.
98 Act June 9, 1891, P. L. 248, 1 P. & L. Dig. 2709.
99 Dailey *vs.* Wilkes-Barre Twp., 6 Kulp 43; Flannigan *vs.* Wilkes-Barre Township, 10 Kulp 100; See *In re* Marcy Twp., 10 Kulp 42.

are bound,[100] The township was entitled to its share, prior to 1903, though a contract was made for the entire work of making and repairing roads, as provided by the Act of June 12, 1893,[101] By the Act of April 22, 1903,[102] the money is made payable to the treasurer of the school district of such township for school purposes during the period the roads are thus being made and repaired. And mandamus will lie to compel its payment.[103] If the township contains one, or more than one independent school district, the license money shall be divided among all the school districts thereof, each district receiving the proportion of license money that its assessed valuation of property bears to the assessed valuation of property in the entire township.

Income from Forests.

185a. By the Act of February 25, 1901,[104] establishing the department of forestry, townships are entitled to one-half the net revenue derived from leases or contracts for the removal of minerals and sale of timber from land purchased by the State to be applied to the reduction of local tax levies. In no case shall the township in one year receive more than twice the amount of taxes that would be received by the township from such lands if they were owned by individuals.

Dog Tax.

186. Assessors in the various townships are directed to assess all owners of dogs, for the purpose of levying and collecting in such amounts as shall be fixed by the county commissioners. The money so received is payable to the county commissioners for a fund to reimburse the owners of sheep which have been killed by dogs.[105] Where a township has been created

100 Commonwealth *vs.* Sweigart, 9 Pa. Sup. 455.

101 Act June 12, 1893, P. L. 451, 2 P. & L. Dig. 4598; Williams *vs.* Reed, 4 D. R. 690.

102 Act April 22, 1903, P. L. 259.

103 Kennedy *vs.* Scranton, 4 Lack. J. 357.

104 Act Feb. 25, 1901, P. L. 11, Sec. 1, 4 P. & L. Dig. 1046.

105 Act May 25, 1893, P. L. 136, 1 P. & L. Dig. 1651.

from portions of several others, having different and inconsistent local laws providing for the levying and collection of dog taxes, such tax under one of the special laws, cannot be levied and collected.[106] If in any year the treasurer shall have on hand more than two hundred dollars after the payment of sheep claims, the excess is to be divided ratably among the districts and be used for school purposes.[107]

Exonerations.

187. The commissioners of the proper county, and the supervisors and overseers of the poor of the proper township, as the case may be, shall at all times make abatement or exonerations for mistakes, indigent persons, unseated lands, etc., as to them shall appear just and reasonable, and the commissioners shall direct their clerk to enter in a book or books, to be kept for that purpose, the names of all persons abated or exonerated, together with the reason why, the amount and date, when made, and give to the collector a certificate directed to the county treasurer, stating the nature of the tax, and the amount exonerated, in order to make settlement accordingly, and the same course shall be pursued by the supervisors and overseers of the poor, with respect to exonerations of township rates and levies.[108]

Penalty for Non-Payment of Taxes.

188. All persons who shall fail to make payment of any tax made by a board of township commissioners in townships of the first class, within a period of six months from the date of publication of notice thereof by the township treasurer, as provided by Act of April 28, 1899,[109] shall be charged with a penalty of five per cent. additional to the amount of the taxes so

106 Commonwealth *vs.* Baker, 4 Pa. C. C. 34.

107 Act April 23, 1901, P. L. 92, 4 P. & L. Dig. 967.

108 Act April 15, 1834, P. L. 509, Sec. 48, 2 P. & L. Dig. 4650; See also Act of June 25, 1885, P. L. 187, Sec. 10, 2 P. & L. Dig. 4610.

109 Act April 28, 1899, P. L. 104, Sec. 15, 4 P. & L. Dig. 924.

left unpaid.[110] When seated lands are returned for non-payment of taxes, the collector of taxes or other persons making the return, shall add to the amount of each item of tax, for which the same is returned, five per cent. thereof, which shall be recovered and collected along with said taxes, and when so recovered and collected the additional sum shall be paid to the collector of taxes or other person making the return.[111]

Returns.

189. Tax collectors of the various townships must furnish to each person, on the payment of taxes, numbered receipts, setting out the date, name of taxpayer, the amount of tax, and the district in which the taxpayer is assessed, from books to be furnished by the county commissioners, containing a stub, and on the stub, memoranda shall be made in ink of the number of the receipt, the name of the taxpayer, the amount of the tax, and the district in which the taxpayer is assessed. Twenty days before each election, he shall send a sheet to the office of county commissioners, containing the number of each receipt issued, the date of payment, the name of the taxpayer, the amount of tax, and the district in which the taxpayer is assessed, for the period since the last report. These reports are to be bound and kept for public inspection. A violation of this act is a misdemeanor.[112]

Township tax collectors shall also make monthly returns, showing the amounts collected by them, during the preceding month, and the amount of uncollected taxes, from their respective duplicates, or exhibit the duplicate showing the said uncollected taxes, at the close of each month, during their respective terms of office, and shall also pay over monthly the sum collected, less the legal commission or fees. A failure to comply with the requirements of this act is made a misdemeanor.[113]

110 Act June 4, 1901, P. L. 361, 4 P. & L. Dig. 924.
111 Act April 19, 1901, P. L. 81, 4 P. & L. Dig. 1466.
112 Act June 25, 1895, P. L. 296, 3 P. & L. Dig. 593.
113 Act July 9, 1897, P. L. 242, 3 P. & L. Dig. 594.

CHAPTER XX.

ROADS.

SECTION
190. In townships of the first class.
191. In townships under special acts.
192. Notice to supervisors.
193. Notice to auditors.
194. Issuance of order to open.
195. Duty to open.
196. Location of the route.
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198. Damages.

In Townships of the First Class.

190. By the Act of April 28, 1899,[1] and the Act of May 24, 1901,[2] the board of township commissioners was given authority to open all public highways within a township laid out by lawful authority. By the Act of June 7, 1901,[3] the additional power was given to enact ordinances ordaining, surveying, laying out, widening, straightening, vacating or relaying all roads, streets, lanes and alleys within the township upon the petition of any owner or owners of property, through whose land such highway shall pass or abut, if in the judgment of the board of commissioners, the same is deemed proper and necessary for public convenience or benefit. In such case ten days' notice to the property owners affected, of the time and place, when and where, all parties interested may meet and be heard, shall be given. Witnesses may be summoned to testify at the hearing. If a majority decide in favor of the granting of the petition, they shall make a written report, together with a draft or survey of the said road, street, lane or alley fixing

1 Act April 28, 1899, P. L. 104, Sec. 9, 4 P. & L. Dig. 922.
2 Act May 24, 1901, P. L. 297, 4 P. & L. Dig. 916.
3 Act June 7, 1901, P. L. 510, 4 P. & L. Dig. 1428.

the width thereof, and note the improvements along the line, together with the names of the owners of property, through which the same shall pass, or where it shall abut, which report and draft shall be filed in the office of the clerk of the court of quarter sessions of the county in which the township is situated. After the passage or approval of such an ordinance, notice shall be given within ten days by hand bills posted in conspicuous places along the line of the proposed improvement. Any citizen may within thirty days after the filing of the report, file exceptions thereto, together with a petition for a review, as in other road cases, upon entering in said court sufficient surety to indemnify the board for all costs incurred in the proceeding.

If no exceptions are filed, and the damages have not been agreed upon, the court of quarter sessions may appoint three viewers upon petition of the board of commissioners. These viewers after giving due notice of the meeting, shall prepare a schedule of the damages sustained, and of the benefit accruing, and assess the same. Exceptions may be filed to their report within thirty days thereafter, and any party whose property is taken or injured may appeal and demand a trial by jury, and may, after that, appeal to the Supreme Court within thirty days after the entry of a final decree.

In Townships Under Special Acts.

191. By virtue of special legislation for many townships, road commissioners were given power to lay out roads. Their acts were not subject to review unless such was specially provided for in the statute.[4] To meet this the Act of July 2, 1901,[5] was passed. Provision was made by it for the removal of the proceedings of such road commissioners to the court of common pleas by a writ of *certiorari* to be directed to the commissioner of the township in which the road lies, and to the

4 Nobles *vs.* Piollet, 16 Pa. Sup. 386.
5 Act July 2, 1901, P. L. 607, 4 P. & L. Dig. 1428.

town clerk having in charge the record of such road. The proceeding may be set aside if found to be contrary to law, or if the return made to the town clerk, by the road commissioners, either in laying out or vacating the road, is not according to law, or if the road commissioners are for any reason without jurisdiction, or for any reason incapacitated to act in the particular case. Such may be shown by evidence outside of the record.[6] This legislation does not give the court power by mandamus to reviewers to cure fatal defects in their report.[7] The writ of *certiorari* acts as a *supersedeas,* but no such writ shall issue more than thirty days after the report of the road commissioners has been filed with the town clerk.[8]

Notice to Supervisors.

192. Ordinarily the public road in the township is laid out under the general road law of June 13, 1836,[9] and its supplements.

By the Act of May 2, 1899,[10] it is made the duty of the parties applying for a road to give written notice to the supervisors of the territory through which such new public road is designed to be laid out and constructed, of the time and place of any views, reviews or rereviews therein, and a copy of such written notice properly attested shall be filed among the records of the court having cognizance of the matter, and failure to comply with these directions is sufficient ground for the setting aside of the proceeding. This legislation is not effective where the township is regulated by local road systems.[11] By local acts or by rules of court notices had frequently been directed to be given to auditors, supervisors

6 Frost *vs.* Scott, 12 D. R. 339.
7 Overton Township Public Road, 12 D. R. 317.
8 Act July 2, 1901, P. L. 607, Sec. 3, 4 P. & L. Dig. 1428.
9 Act June 13, 1836, P. L. 551, 2 P. & L. Dig. 4128.
10 Act May 2, 1899, P. L. 176, 4 P. & L. Dig. 1423.
11 Road in Greene and Guilford Townships, 21 Pa. Sup. 418.

or both.[12] The notice must be in writing.[13] It must be served upon both of the supervisors.[14] And give notice of the time and place of meeting.[15] An acceptance of service of it for the supervisors by the attorney for the petitioners is not sufficient.[16] If there has been no notice given, it is immaterial that one of the supervisors was present by accident.[17] The supervisors may waive the giving of such notice, but the proof of such waiver must be clear and indubitable.[18] If the effort is made to set aside the proceedings because of a failure to notify, the exception must be supported by evidence.[19] And the proceedings will not be set aside because of the failure of the record to show that notice was given, where there is no denial that it was.[20] Objection to the defect should be made before the confirmation of the report.[21] And the supervisors cannot take advantage of it as a defence to the payment of damages for the opening of the road, where no notice had been given as required by rules of court, when they had not complained before.[22]

The notice is to be filed, but a failure to do so will not be sufficient ground for setting aside the report, though it will place the burden upon the petitioners of proving that it was

12 Ryan Township Road, 3 Kulp 158.

13 Taylor Township's Road, 2 Blair 361.

14 Chartiers Township Public Road, 47 Pitts. Legal Journal O. S. 268; Rush Twp. Road, 10 D. R. 650; Taylor Township's Road, 2 Blair 361.

15 Rush Township Road, 10 D. R. 650; Frankford Township Road, 11 D. R. 78, s. c. 24 Pa. C. C. 649; Chartiers Township Public Road, 47 Pitts. Legal Journal O. S. 268.

16 Lower Saucon Township's Road, 5 North. Co. 66.

17 Lower Saucon Township's Road, 1 North. Co. 41; Upper Fairfield Road, 1 D. R. 660, 11 Pa. C. C. 396.

18 Upper Fairfield Road, 1 D. R. 660, 11 Pa. C. C. 396.

19 East Penn Township Road, 2 Pa. C. C. 453—here the notice was required by a rule of court.

20 Sewickley Township Road, 23 Pa. Sup. 170.

21 Sewickley Township Road, 23 Pa. Sup. 170.

22 Brodhead *vs.* Lower Saucon Township Supervisors, 2 Lehigh Valley 381.

given.[23] The Act of 1899 has been held to apply only to a new road, and not to an alteration of an old one.[24] But in Curtin and Bogg Township Road [25] the proceedings were set aside, where the purpose was the changing of the route, for this defect. In Abington Road [26] it was said by the court that a notice should always be served upon the supervisors, though there is no act or rule of court requiring it.[27]

Notice to Auditors.

193. In those townships in which roads are laid out by supervisors or road commissioners, it is made the duty of the supervisors or commissioners, whenever they have decided in favor of laying out a road to notify the auditor of the township of such decision. The auditor with the supervisors or commissioners shall endeavor to obtain releases from claims for damages, and to assess the same where necessary. Any person interested, who may feel aggrieved by the assessment, may appeal within thirty days after the road has been opened.[28] By the second section of the same act similar provisions were made where a road had been laid out, but was not as yet opened.[29]

Issue of Order to Open.

194. When the report of the viewers has been submitted to the court and is confirmed, the judicial power is exhausted. For one term all proceedings are stayed. At the expiration of that time, the road becomes a public one by operation of law,

23 Towamencin Road, 9 D. R. 650, s. c. 23 Pa. C. C. 113, see Springfield Township Road, 11 D. R. 7, s. c. 24 Pa. C. C. 625.

24 Potter and Tioga County Public Road, 10 D. R. 456.

25 Curtin and Boggs Township's Road, 23 Pa. C. C. 328.

26 Abington Road, 3 D. R. 226.

27 In Todd Township Public Road, 11 D. R. 332, a notice to the county commissioners under Act April 3, 1899, P. L. 26, 4 P. & L. Dig. 1423, was held not to be requisite, as the road was merely vacated.

28 Act May 8, 1876, P. L. 145, Sec. 1, 2 P. & L. Dig. 4180.

29 Act May 8, 1876, P. L. 145, Sec. 2, 2 P. & L. Dig. 4180.

and the clerk of the quarter sessions issues the order to the supervisors to open. His act in so doing is ministerial. The court cannot confirm the report *nunc pro tunc,* and issue an immediate order to open.[30] Nor can it direct the supervisors to open to the full width many years after the approval of the report.[31] The court fixes the width of the road,[32] and the clerk may certify this in the order which he issues.[33] The width cannot be fixed *nunc pro tunc* at a subsequent term.[34] A full term must elapse before he so certifies.[35] After the order for opening has been properly issued, the actual location of the road upon the ground will not be delayed until the damages assessed have been reviewed.[36] Defects apparent upon the face of the record may justify the court in quashing the proceedings upon the application of the supervisors, even after the order to open has been issued. So where it was impossible to carry out the order, because of the indefiniteness of the *termini* fixed, the court properly set aside the proceedings.[37]

Duty to Open.

195. The opening of the road is a ministerial act and can be performed by one supervisor.[38] The execution of the order cannot be restrained by the court of quarter sessions upon petition to enjoin the supervisors from opening the road confirmed and laid out on the ground, though it makes an unneces-

30 Road to Ewing's Mill, 32 Pa. 282.

31 Glenn *vs.* Commonwealth, 6 Atl. 919, s. c. 5 Cent. 492.

32 Springfield Twp. Road, 24 Pa. C. C. 625; Catawissa and Main Twp. Road, 17 Pa. Sup. 21; Bloomsburg and Scott Twp. Road, 11 D. R. 93; Stowe Twp. Road, 20 Pa. Sup. 404.

33 Beigh's Road, 23 Pa. 302.

34 Lower Allen Twp. Road, 18 Pa. C. C. 298, s. c. 5 D. R. 764; Derry Twp. Road, 11 Pa. Sup. 232; Com. *vs.* Plymouth Twp., 13 Pa. Sup. 209.

35 Pitt Township Road, 1 Pa. 356; McConnell's Mill Road, 32 Pa. 285; Middle Creek and Union Township's Road, 9 Pa. 69; Bucks County Road, 3 Whart. 105.

36 Lower Chanceford Township Road, 4 York 197.

37 Dunbar Township Road, 12 Pa. Sup. 491.

38 Brodhead *vs.* Lower Saucon Township, 2 Lehigh Valley Reports 381.

sary grade crossing.[39] That the supervisors may act intelligently, it is necessary that the *termini* of the road be distinctly fixed. If indefinite, so as to render the locating of the route impossible, the court may quash the proceedings, even after the order to open has issued.[40] But, if one of the *termini* is given, and the other can be found by following the courses and distances, it is sufficient.[41] The court of common pleas has no jurisdiction to enforce by mandamus an order of the court of quarter sessions directed to the supervisors of the township to open a public road. The latter court has ample power to compel compliance with its own orders.[42] The supervisors are directed to open the roads as soon as practicable.[42*] In case of neglect to perform this duty, they may be indicted.[43] Likewise if they refuse to open the road to its full width.[44] Or for a failure to keep the road in repair.[45] Or for changing a road as laid out, though they are following a change made by predecessors.[46] And they are likewise liable, though the work has been given to a contractor, who fails to properly repair.[47] A charge of neglect to open and to repair may be joined in one

39 Bonsall Avenue, 16 Pa. Sup. 1.

40 Dunbar Township Road, 12 Pa. Sup. 491; Hector Township Road No. 2, 19 Pa. Sup. 124; Crescent Township Road, 18 Pa. Sup. 160; O'Hara Twp. Road, 152 Pa. 319; Bean's Road, 35 Pa. 280.

41 Hector Township Road No. 1, 19 Pa. Sup. 120.

42 Commonwealth *vs.* Holland, 153 Pa. 233; *In re* Roaring Brook Township Road, 140 Pa. 632. NOTE.—In the matter of the mandamus to the commissioners of Dauphin County, 1 Pearson 144, the mandamus was awarded to compel the opening of the road. And in Com. *vs.* Doylestown Supervisors, 16 Pa. C. C. 161 to compel the repair of a highway.

42* Act June 13, 1836, P. L. 551, Sec. 6.

43 Commonwealth *vs.* Reiter, 78 Pa. 161; Edge *vs.* Commonwealth, 7 Pa. 275.

44 Hamiltonban Township Supervisors, 1 D. R. 456, s. c. 11 Pa. C. C. 369.

45 Commonwealth *vs.* Cassatt, 3 Montg. Co. 19; Com. *vs.* Fehr, 2 North. Co. 275.

46 Commonwealth *vs.* Johnson, 134 Pa. 535.

47 Phillips *vs.* Commonwealth, 44 Pa. 197.

count of the bill of indictment.[48] But as the duty is a joint one, both supervisors should be indicted.[49] If the laying out of the road is discretionary, though the power to so act upon the written request of citizens is given by Act of Assembly, no indictment can be sustained in case of refusal.[50] The costs of the proceedings resulting in the conviction of the supervisor are not chargeable against the township.[51]

Since the Act of Assembly requires the opening as soon as practicable, the supervisors are bound to so act, and are not the judges of the necessity of the road, and it is no answer to an attachment for failure to open, that there are not sufficient taxes, when it does not appear that the power of taxation has been exhausted.[52] Nor to say that the funds were needed for other purposes. Or that the cost of opening would increase the indebtedness of the township beyond the constitutional limit, where the tax limit is not shown, and no *bona fide* attempt of the supervisors to comply with the order appears.[53]

Location of the Route.

196. It is the duty of the supervisors to follow the survey as returned by the viewers, and approved by the court. No discretion rests in them to materially alter the route, although great saving would be effected thereby. In such case it is their duty to apply to the court to vacate the objectionable part, and it is no defence to an indictment, that the change had been begun by their predecessors in office.[54] After the confirmation the court cannot alter the courses and distances as fixed by

48 Edge *vs.* Commonwealth, 7 Pa. 275.

49 Commonwealth *vs.* Oberdorfer, 1 Kulp 102; Commonwealth *vs.* Grove, 7 Phila. 660.

50 Commonwealth *vs.* Thompson, 126 Pa. 614.

51 Benton Township *vs.* Kennedy, 5 Kulp 401.

52 Lower Merion Township Road No. 1, 8 D. R. 561, s. c. 22 Pa. C. C. 297.

53 Roaring Brook Twp. Road, 140 Pa. 632.

54 Commonwealth *vs.* Johnson, 134 Pa. 635; Calder *vs.* Chapman, 8 Pa. 522.

viewers.[55] Nor can the supervisors and the owner of the land agree upon a change.[56] Though it is the duty of the supervisors to follow the survey, yet if an altered route is actually located, no power exists thereafter to change to the true route,[57] at least without the consent of the owner of the land.[58]

In opening roads as little injury is to be done as possible. So there should be no interference with the embankment and abutments of a railroad across whose located line the road extends.[59] Likewise roads across canals must be so constructed as to interfere the least with the navigation of the canal or the use of the towpath.[60] And the same care must be exercised in changing the course of running water.[61] Any unlawful interference may be restrained.[62] Or improper obstructions may be removed.[63]

Effect of Location.

197. A located road cannot be altered although it fails to conform to the survey returned by the viewers.[64] But mere use of a strip of land by the public will not necessarily constitute a location by supervisors.[65] In determining whether or not an obstruction is within a public highway, the original location by

55 Beeler's Road, 9 Pa. 217.

56 Furniss *vs.* Furniss, 29 Pa. 15; Calder *vs.* Chapman, 8 Pa. 522.

57 McMurtie *vs.* Stewart, 21 Pa. 322; Morrow *vs.* Commonwealth, 48 Pa. 305; Clark *vs.* Commonwealth, 33 Pa. 112.

58 Gray *vs.* North Versailles Twp., 208 Pa. 77.

59 Williamsport & N. B. R. R. Co. *vs.* La Porte Twp. Supervisors, 4 Pa. C. C. 588.

60 Commonwealth *vs.* Ruddle, 142 Pa. 144; Lehigh Twp. Road, 1 Northampton Co. 220.

61 Warfel *vs.* Cochran, 34 Pa. 381; Wagner *vs.* Poley, 4 Del. Co. 172.

62 Williamsport & N. B. R. R. Company *vs.* La Porte Township Supervisors, 4 Pa. C. C. 588.

63 Commonwealth *vs.* Ruddle, 142 Pa. 144.

64 McMurtrie *vs.* Stewart, 21 Pa. 322; Holden *vs.* Cole, 1 Pa. 303; Cook *vs.* Deerfield Township, 64 Pa. 445; Clark *vs.* Commonwealth, 33 Pa. 112; Gray *vs.* North Versailles Twp., 208 Pa. 77.

65 Morrow *vs.* Commonwealth, 48 Pa. 305.

the supervisors must control, and not the lines as fixed by the viewers.[66]

What location was made by the supervisors is a question of fact and the testimony of one who was a viewer and a surveyor is admissible to show this.[67] Or the testimony of a viewer.[68] As there is no power to change the location of a road, so there is none to open a new road until the court should order it.[69] Or to open a road, while a new bridge is building.[70] Nor to contract bills for making such changes.[71]

Though the road be not originally laid out at its full width, the public has a right to that width.[72] In widening, the middle line of the road as laid out is to be found, and one-half of the prescribed width is to be measured toward each side,[73] unless the beaten track is within the limit of the originally located road, which is clearly defined on each side by marks on the ground.[74] This principle has been modified in part by the Act of June 19, 1901,[75] which provides that "In all cases where public roads in this Commonwealth have been or may hereafter be laid out by viewers, and the same have been, or may hereafter be opened with the roadbed or track traveled by the public, located within the lines of such road, originally laid out, such line shall be and remain the boundary line of such road, unless

66 Commonwealth *vs.* Jackson, 10 Pa. Sup. 524; Glenn *vs.* Commonwealth, 5 Cent. 492, s. c. 6 Atl. 919; Commonwealth *vs.* Plymouth Township, 19 Pa. Sup. 408; Commonwealth *vs.* Dicken, 145 Pa. 453; Commonwealth *vs.* Marshall, 137 Pa. 170.

67 Morrow *vs.* Commonwealth, 48 Pa. 305.

68 Stephens *vs.* Potter, 4 W. N. C. 375.

69 Holden *vs.* Cole, 1 Pa. 303.

70 Brewer *vs.* Sullivan Co., 199 Pa. 594.

71 Cook *vs.* Deerfield Township, 64 Pa. 445.

72 Commonwealth *vs.* Plymouth Twp., 13 Pa. Sup. 209; Com. *vs.* Shoemaker, 14 Pa. Sup. 194.

73 Athens Borough *vs.* Carmer, 169 Pa. 426; Furniss *vs.* Furniss, 29 Pa. 15.

74 Commonwealth *vs.* Shoemaker, 14 Pa. Sup. 194; Gray *vs.* North Versailles Twp., 208 Pa. 77, affirming 51 Pitts. L. J. O. S. 56.

75 Act June 19, 1901, P. L. 573, 4 P. & L. Dig. 1424.

the location of such road, has been or may be changed by due course of law." This legislation does not apply where the old road is not within the line located.[76]

Damages.

198. In the absence of special legislation, damages assessed by viewers for the opening of roads are to be paid by the county treasurer out of the county stock.[77] The township is not liable for consequential damages suffered by reason of the opening of a road. It is not a corporation vested with the privilege of taking private property for public use within the meaning of section 8, article 16 of the Constitution.[78] Nor is it liable for such damage arising from widening of a road.[79] Or for such damage arising from a change of grade.[80] Or for damages arising from necessary repairs to the highway such as causing water to flow upon the plaintiff's land, where the natural course of the flow has not been changed.[81]

By virtue of many local acts the damages assessed upon the opening of roads are chargeable to the townships. In such case the township is an interested party in the proceedings.[82] And may intervene in the proceedings upon appeal.[83] Townships of the first class are likewise chargeable with the damages, when roads are laid out by ordinance, under the Act of June 7, 1901.[84]

Though no provision is made for the payment of damages, when a road has been laid out by the Act of Assembly, the legislation is not unconstitutional, since the six per cent. allowance for roads embraced in all the original grants from the proprie-

76 Gray *vs.* North Versailles Township, 208 Pa. 77.
77 Act June 13, 1836, P. L. 551, Sec. 8, 2 P. & L. Dig. 4135.
78 Wagner *vs.* Salzburg Township, 132 Pa. 636.
79 Winner *vs.* Graner, 173 Pa. 43.
80 Shoe *vs.* Nether Providence Township, 3 Pa. Sup. 137.
81 Warner *vs.* Muncy Township, 18 Pa. C. C. 582.
82 Stauffer *vs.* Lower Swatara Township, 8 D. R. 104.
83 Hibberd's Appeal, 2 D. R. 28 s. c. 6 Kulp 497.
84 Act June 7, 1901, P. L. 510, 4 P. & L. Dig. 1432.

taries or the Commonwealth, makes a claim for compensation in such case a matter of grace on the part of the Legislature, and not of constitutional right. So the townships cannot defend on such ground an action upon the warrants drawn in favor of contractors as directed by the special Act of Assembly.[85]

85 Township of East Union *vs.* Comrey, 100 Pa. 362.

CHAPTER XXI.

ROADS.—CONTINUED.

SECTION
199. Cost of opening.
200. Roads on township lines.
201. Roads on State line.
202. Grading roads.
203. Widening roads.
204. Widening roads between cities and boroughs.
205. Repairs by contract.
206. Road machinery.
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209. Removing stones.
210. Snow drifts.
211. Index boards.
212. Obstructing highways.
213. Obstruction of crossings by railroad companies.
214. Extortion by workmen.
215. Operation of machinery on highways.

Cost of Opening.

199. "Public roads or highways laid out, approved and entered on record as aforesaid, shall as soon as may be practicable, be effectually opened and constantly kept in repair, and all public roads or highways made, or to be made, shall at all seasons, be kept clear of all impediments to easy and convenient travel at the expense of the respective townships, as the law shall direct." [1] Contracts for the opening of new roads cannot be made by one supervisor without the concurrence of his fellows, but he has the power to employ men to do the ordinary repairs or work upon the roads.[2] Supervisors are authorized to open and care for only such highways as have been lawfully laid out. They, therefore, cannot agree to pay compensation to a canal company for leave to use its tow path as a public

1 Act June 13, 1836, P. L. 551, Sec. 6, 2 P. & L. Dig. 4150.
2 Batten *vs.* West Brandywine, 3 Clark 462.

highway.[3] Credit must be given by the auditors for the cost of opening though the petitioners for the road had agreed that the expenses should be taken from their taxes.[4]

The supervisors may purchase, at the expense of the respective townships, wood, timber and all other materials necessary for the purpose of making or repairing the roads, and employ a sufficient number of laborers to execute promptly and effectually these duties.[5] They may also enter upon lands lying near the said roads and dig, gather and carry upon said roads, any stone, sand or gravel found on the same, necessary for the making or repairing of them, when the same cannot be conveniently obtained by contract, at reasonable prices, doing, however, no unnecessary damage to the owners of the said land, and repairing any breaches of fences which they shall make.[6] This legislation does not give the right to appropriate the fences of the land owner.[7] When such materials are taken, and the price therefor cannot be agreed upon, three referees are to be appointed, the decision of two of whom shall fix the amount. But if referees cannot be agreed upon, the owner may apply to a justice of the peace residing near the place where such materials were taken, or may be, and the justice shall appoint three persons, one at the suggestion of the supervisors, one at the suggestion of the land owner, and the third of his own selection. In case either party fails to so choose, the justice is authorized to do so.[8] Since this right is given, and the remedy for the collection of the damages provided, an action of trespass will not lie against the township to recover for the injury sustained.[9]

3 Pennsylvania Canal Company *vs.* Shirley and Union Townships, 18 W. N. C. 397.

4 McDermott *vs.* Auditors of La Porte Township, 3 Atl. 437, s. c. 2 Cent. 592.

5 Act June 13, 1836, P. L. 551, Sec. 27, 2 P. & L. Dig. 4151.

6 Act June 13, 1836, P. L. 551, Sec. 28, 2 P. & L. Dig. 4151.

7 Nelson *vs.* Ehret, 4 Kulp 337.

8 Act June 13, 1836, P. L. 551, Secs. 29, 30, 2 P. & L. Dig. 4152.

9 Marshall *vs.* Lower Towamensing Township, 15 W. N. C. 235.

In townships of the first class the board of township commissioners is required to effectually open and constantly keep in repair at all seasons the highways, and clear them of all impediments to easy passing and traveling. If they see fit, they may by ordinance, appoint supervisors or engineers of the highways for such purposes, and are authorized to employ laborers, and purchase such tools, machinery and materials as may be requisite.[10]

Roads on Township Lines.

200. Public roads or highways, which have been, or shall be laid out on a line, which divides two townships, shall be opened, made, kept clear and in repair at the joint and equal charge of such township, and if either township shall in any case necessarily incur more than its due proportion of such charge, it may recover from the other township the excess so incurred.[11] If supervisors of either of such townships neglect or refuse to join with the supervisors of the other township in opening or repairing such road, the supervisors of the one township may do so, and those guilty of neglect shall be liable to the same penalties as if they did neglect or refuse to open and repair a public road situated wholly within their own township.[12]

Roads on State Lines.

201. By the Act of March 30, 1848,[13] provision is made for the repairing of roads upon the line between the State of Pennsylvania and Ohio. The supervisors or other officers having charge of the roads in any two adjoining townships, through which such road passes, one of which shall be on either side of the line, are authorized to meet annually on the first day of April, or as soon thereafter as conveniently may be and lay

10 Act April 28, 1899, P. L. 104, Secs. 9, 10, 4 P. & L. Dig. 922-3.
11 Act June 13, 1836, P. L. 551, Sec. 10, 2 P. & L. Dig. 4151.
12 Act June 13, 1836, P. L. 551, Sec. 33, 2 P. & L. Dig. 4153.
13 Act March 30, 1848, P. L. 308, Sec. 1, 2 P. & L. Dig. 4153.

off so much of the road as shall lie between the adjoining townships into sections, not exceeding one mile in length, and divide such sections equally between them. A record of the division is to be made in the book of the township clerk, and the supervisors are then required to open and keep in repair such portion or portions of the roads as may be allotted to their township.[14]

Grading Roads.

202. Roads between first class townships and adjoining boroughs may be graded, paved, curbed or macadamized, and the officers of the two municipalities may enter into an agreement with each other for the doing of such work, and provide for the division of the damages, costs and expenses. The damages in such case are to be assessed by viewers to be appointed by councils, upon petition of a majority of the property owners in interest and number abutting upon the portion of the proposed line of improvement within the borough. And the same viewers shall ascertain the share of the township.[15] By the Act of May 24, 1901,[16] townships of the first class were given power to open, grade, construct and pave all the public highways in the township, which are laid out.

Where the center line of the road is the boundary between a borough and a township, the borough is charged with the duty of keeping in repair the half of the road within the borough line, but it cannot make any change of grade on its own half of the road so as to interfere with the use of the public highway in its entirety. It may, however, with the acquiescence and consent of the authorities of the township change the grade of the whole width of the road, and in that manner discharge its duty to maintain the highway. Damages for the injury to property in such case are chargeable to the borough.[17]

14 Act March 30, 1848, P. L. 308, Sec. 1, 2 P. & L. Dig. 4153.
15 Act July 10, 1901, P. L. 637, Sec. 1, 4 P. & L. Dig. 1431.
16 Act May 24, 1901, P. L. 297, 4 P. & L. Dig. 916.
17 Rothwell *vs.* California Borough, 21 Pa. Sup. 234.

In townships of the second class as an incident to the keeping of roads in repair, the supervisors may make proper grades. In such case no action lies against the township by the abutting owner for the injury sustained.[18]

Widening Roads.

203. The Act of June 13, 1836, conferred no power to widen roads.[19] It is provided by the eighth section of the Act of May 8, 1850,[20] that, "In addition to the powers now given to the courts of quarter sessions by the Act of the 13th June, in the year of our Lord, 1836, it may be lawful for them, on petition, under the same rules and restrictions regulating proceedings for laying out and vacating public roads, to grant the orders for widening all such roads as are now, or hereafter may be, laid out, reserving to those persons who may consider themselves damnified the right of submitting their claims to a board of viewers, as is now provided in cases of laying out roads: *Provided*, That no road shall in any case exceed fifty feet in width." This power to widen must be exercised in analogy to the Act of June 13, 1836.[21] The Act of May 14, 1874,[22] requiring viewers to endeavor to secure releases from all claims for damages applies in proceedings to widen.[23] But the Act of May 8, 1889,[24] reducing the number of viewers to three, does not.[25]

Widening Roads Between Cities and Boroughs.

204. Provision has been made by the Act of April 3, 1903,[26]

18 Shoe *vs.* Nether Providence Township, 3 Pa. Sup. 137.
19 Church Road, 5 W. & S. 200.
20 Act May 8, 1850, P. L. 713, 2 P. & L. Dig. 4148.
21 Reserve Township Road, 80 Pa. 165.
22 Act May 14, 1874, P. L. 164, 2 P. & L. Dig. 4179.
23 *In re* Widening of Merion Avenue, 7 Montg. 102.
24 Act May 8, 1889, P. L. 129, 2 P. & L. Dig. 4129.
25 Widening of East Avenue, 7 Lanc. L. R. 164; Widening of Locust Street, 10 Lanc. L. R. 206.
26 Act April 3, 1903, P. L. 137.

for the altering and widening of public roads in townships connecting cities and borough. Application is to be made to the court of quarter sessions for the appointment of viewers to assess the damages resulting. They shall divide them in such proportion as they deem equitable and just.

Repairs by Contract.

205. Taxpayers were given the right to enter into contracts to make and repair the public highways, by the Act of June 12, 1893,[27] as has already been noted.

Townships of the first class are likewise authorized to enter into contracts with taxpayers, who shall apply to the court of quarter sessions for leave, to furnish all the materials and labor necessary for the opening and repairing of the public highways. The contract shall be made as directed for townships generally, by the Act of June 12, 1893,[28]

Road Machinery.

206. By the Act of May 24, 1887,[29] the road commissioners or supervisors of the township are authorized to purchase plows, scrapers, road machines and such other implements and materials as are found necessary for the construction and repair of the roads, highways and bridges. By the second section of the same act, a tax was authorized in cash, to provide for such payments, not to exceed twenty-five per centum of the rates or assessments laid for road purposes in any one year. The Act of April 23, 1903,[30] validated the increasing of the indebtedness created for such purposes where it did not exceed two per centum upon the assessed value of the taxable property therein, and made lawful the evidences of indebtedness issued therefor.

27 Act June 12, 1893, P. L. 451, 2 P. & L. Dig. 4232.
28 Act May 24, 1901, P. L. 297, 4 P. & L. Dig. 917.
29 Act May 24, 1887, P. L. 202, 2 P. & L. Dig. 4230.
30 Act April 23, 1903, P. L. 279.

The Act of April 28, 1899,[31] provided for the purchase of all necessary tools, implements and machinery in townships of the first class.

Drains.

207. In townships of the first class, the board of commissioners has power to enter upon any land or inclosure, to cut, open, maintain and repair all necessary ditches and drains which they shall judge necessary to carry the water from the roads.[32] By the general Act of June 13, 1836,[33] supervisors were also given the same right. The stopping, filling up or injuring of any such drains, without the consent of the supervisors, is made an offense, punishable by penalty of not less than four dollars and more than $20.00.[34] One who fills up a drain, so that the water cannot cross the road is liable to the penalty.[35] Evidence is not admissible in such case to show that the act done did not injure the road, the question being merely whether the obstruction was with the consent of the supervisors.[36]

Guard Walls.

208. When a road or highway runs along the edge of a precipice along which it may be necessary to erect guards or barriers for the proper protection of the traveling public, and to erect such guards or barriers requires more expense than it is reasonable that the township should bear, the court having jurisdiction may, on the presentation of the supervisors, or the petition of any officers of the township, order a view, as in the case of roads. If on the report of viewers, it shall appear to the court, grand jury and commissioners of the county, that

31 Act April 28, 1899, P. L. 104, Sec. 10, 4 P. & L. Dig. 922.
32 Act April 28, 1899, P. L. 104, Sec. 11, 4 P. & L. Dig. 923.
33 Act June 13, 1836, P. L. 551, Sec. 32, 2 P. & L. Dig. 4152.
34 Act June 13, 1836, P. L. 551, Sec. 67, 2 P. & L. Dig. 4190.
35 Commonwealth *vs.* Betts, 76 Pa. 465.
36 Meeker *vs.* Commonwealth, 42 Pa. 283.

such guards are necessary, and it will be too expensive for such township, the same shall be erected and maintained, as county bridges are now erected.[37]

Removing Stones.

209. The Act of May 2, 1899,[38] as amended by the Act of July 2, 1901,[39] provides for the removal by the township supervisors and road commissioners of the several townships, by contract or otherwise, of all loose stones from the traveled roads or highways in the township, at least once each month during the months of May, June, August and October in each year. This authority may be delegated to the path masters, but in any case the compensation to be paid to any person doing such work must be credited upon the road tax. In case of neglect to perform this duty a penalty not to exceed ten dollars to be recovered by action of debt in the name of the Commonwealth before any justice of the peace or alderman of the county, with costs of proceeding, may be imposed. One-half of such fine is payable to the informer or prosecutor and the other half is to be used for road purposes of the township.

Snow Drifts.

210. It is the duty of the supervisors to make travel "easy and convenient," as directed by the Act of 1836. If there is a negligent failure to make reasonable efforts to remove snow and ice, the township will be liable for injury resulting.[40] But the highway need only be opened to a reasonable width, depending upon the circumstances.[41] So it is sufficient if the supervisors clear a single track, with the necessary turnouts, so as to make the road passable for sleighs and sleds, if, since the fall of snow,

37 Act May 25, 1878, P. L. 150, Sec. 1, 2 P. & L. Dig. 4154.
38 Act May 2, 1899, P. L. 164, 4 P. & L. Dig. 1425.
39 Act July 2, 1901, P. L. 611, 4 P. & L. Dig. 1424.
40 Wright *vs.* Lehman Township, 19 Pa. Sup. 653.
41 Lynn *vs.* Ralpho Township, 186 Pa. 420.

travelers almost universally employ such sleighs and sleds, although the road remains impassable for wagons.[42]

"In all cases where any of the public highways within this Commonwealth are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to cause them to be impassable, and where, in the judgment of the supervisors of roads of the several townships in which such public highways are situated, such drifts of snow can be avoided by the removal of any board, rail or other fence that may be erected along either side of such public highways and replacing the same by a fence constructed of posts, wire and boards, or rail combined, it may be lawful for such supervisors to agree with the owners of such fences upon a plan for the erection of a fence constructed of posts, wire and board or rail combined. And it may be lawful for supervisors to pay the owners of such fences a sum not to exceed the first cost of the wire used in the construction of such fences: *Provided*, That the wire used in the construction of such fences shall be without barbs: *Provided*, That this act shall not apply to any stone wall, hedge or ornamental fence that is now or may hereafter be constructed." [43]

Index Boards.

211. "The supervisors aforesaid, shall cause posts to be erected at the intersection of all public roads within their respective townships, (where trees are not convenient) with boards firmly fixed thereon, and index hands pointing to the direction of such roads, on which boards shall be inscribed in large and legible characters, the name of the town, village, or place to which such roads may lead, and the distance thereto, computed in miles." [44]

42 Com. *vs.* Billheimer, 1 North. 145. The supervisors will be indictable only when the state of the road makes it a public nuisance. When it is passable for the vehicles employed by all except five or six persons, it cannot be called a public nuisance.

43 Act May 26, 1897, P. L. 98, 3 P. & L. Dig. 529.

44 Act June 13, 1836, P. L. 551, Sec. 61, 2 P. & L. Dig. 4153.

If the supervisor neglects this duty after ten days' personal notice, he is subject to a penalty not to exceed ten dollars.[45] Anyone wilfully destroying, defacing or injuring any guide post, erected at or near a public road or any notice put up at any public bridge, shall be subject to a penalty of not less than five dollars, nor more than fifteen dollars.[46]

Obstructing Highways.

212. Any person obstructing any public road or highway, or committing a nuisance therein, and who fails on notice given by the supervisors to forthwith remove the nuisance and repair the damage done, shall be subject to a penalty of not less than ten dollars, nor more than forty dollars.[47] To obstruct a highway was indictable at common law.[48] It does not apply to the reasonable and temporary use of the highway for the placing of building material thereon.[49]

By the Act of May 2, 1901,[50] disorderly conduct upon a highway is defined, and made punishable by a fine, or upon default in its payment, by commitment to the county jail for a period not exceeding thirty days. From the conviction an appeal to the court of quarter sessions is given without special allowance upon entering into a recognizance in double the amount of the costs and fine, conditioned upon the appearance of the defendant at the next term.

Obstruction of Crossings by Railroad Companies.

213. The obstruction of crossings by railroad companies or their employes subjects the agent so acting to a penalty of $25.00, to be recovered with costs in the name of the Common-

45 Act June 13, 1836, P. L. 551, Sec. 62, 2 P. & L. Dig. 4153.

46 Act June 13, 1836, P. L. 551, Sec. 69, 2 P. & L. Dig. 4190.

47 Act June 13, 1836, P. L. 551, Sec. 68, 2 P. & L. Dig. 4190.

48 Kelly *vs.* Commonwealth, 11 S. & R. 345. The Act of April 6, 1802, 3 Sm. L. 518, had made it a statutory offense to fail to remove such obstruction on notice.

49 Mallory *vs.* Griffey, 85 Pa. 275.

50 Act May 2, 1901, P. L. 132, 4 P. & L. Dig. 941.

wealth of Pennsylvania before a justice of the peace. One-half of such penalty is payable to the informer, and the remaining half into the treasury of the Commonwealth.[51]

Extortion by Workmen.

214. Workmen extorting money from travelers upon the highways are subject to a penalty not to exceed five dollars.[52] And if such be done with the connivance of the supervisor he shall forfeit a sum not to exceed ten dollars.[53]

Operation of Machinery on Highways.

215. By the Act of June 30, 1885,[54] the Legislature recognized the right to take steam machinery over public highways, by providing certain regulations for its exercise.[55] The legislation referred to provided for the conduct of the owner in passing other vehicles, and directed the stopping to allow others to pass. But the act was not intended to license the unrestricted use of steam upon the public highways of the Commonwealth. And a conviction for maintaining a public nuisance was sustained where the traction engine was used continuously in drawing stone from a quarry to a railroad station.[56]

51 Act March 20, 1845, P. L. 191, 2 P. & L. Dig. 4191.
52 Act June 13, 1836, P. L. 551, Sec. 65, 2 P. & L. Dig. 4189.
53 Act June 13, 1836, P. L. 551, Sec. 66, 2 P. & L. Dig. 4189.
54 Act June 30, 1885, P. L. 251, 2 P. & L. Dig. 4235.
55 Clulow *vs.* McClelland, 151 Pa. 583.
56 Com. *vs.* Allen, 148 Pa. 358.

CHAPTER XXII.

ROADS.—CONTINUED.

SECTION
216. Vacation of roads.
217. State roads.
218. State roads, continued.
219. State roads, continued.
220. Maintenance.
221. Turnpikes.
222. Sidewalks.
223. Sidewalks in townships of the first class.
224. Sidepaths.
225. Water troughs.

Vacation of Roads.

216. The route as opened by the supervisors, and not the survey as returned by the viewers controls the location. If a change is desired, it is the duty of the supervisors to apply to the court to vacate the objectionable part.[1] So in narrowing a road, the old one should be vacated, and a new one laid out.[2] But a mere public user without a location by the proper officer, is not enough.[3] Where the line is not followed as fixed by the viewers, the land included within their survey is considered abandoned, and the owner is not answerable for subsequent obstructions placed thereon.[4] The land owner cannot vacate a portion of the road and supply a new part.[5]

Provision is made for the vacation of roads, opened or unopened, by the Act of June 13, 1836,[6] and its supplements. And by the Act of May 3, 1855,[7] for roads partly opened. The

1 Commonwealth *vs.* Johnson, 134 Pa. 635.
2 Cheltenham Twp. Road, 20 Montg. 19.
3 Morrow *vs.* Commonwealth, 48 Pa. 305.
4 Commonwealth *vs.* Miltenberger, 7 Watts 450.
5 Commonwealth *vs.* Moore, 4 Kulp 71.
6 Act June 13, 1836, P. L. 551, Secs. 18, 19, 2 P. & L. Dig. 4144-5.
7 Act May 3, 1855, P. L. 422, 2 P. & L. Dig. 4145.

twenty-fourth section of the Act of 1836 enacts that whenever the whole or any part of the road shall be changed, the same shall not be shut up or stopped until the road laid out to take the place thereof, shall be actually opened. The supervisors cannot therefore close the old road until a new one is supplied.[8] This legislation necessarily implies an interval between the making of the order and the actual vacation.[9] The road cannot therefore be vacated, when it is the terminus of another road until provision has been made to supply a new outlet.[10] In cases of necessity the old road may be closed before the actual opening of the new one, but this must be a real necessity and clearly proved, and the onus of so proving it is on him who so acts. That it is easier, cheaper and quicker to close it, will not avail. So a contractor for the construction of an approach to a county bridge has no right to obstruct the public road lying at right angles to the approach to the bridge without real necessity.[11]

By the Act of May 1, 1901,[12] provision is made for the vacation of county roads improved under the provision of the Act of June 26, 1895,[13] In such case a portion of roads so vacated shall become and be township roads. By the Act of June 7, 1901,[14] the procedure in the case of the vacation of highways in townships of the first class is regulated. Provision has also been made for the temporary vacation of roads by the court of common pleas when necessary for the holding of any agricultural fair or exhibition.[15] And for the substitution of

8 Bridgeport & N. C. T. Road, 171 Pa. 312.

9 Susquehanna River Road, 1 Pearson 59; *In re* Roads in Londonderry Township, 129 Pa. 244.

10 Susquehanna River Road, 1 Pearson 59.

11 Mellick *vs.* Penna. R. R., 203 Pa. 457.

12 Act May 1, 1901, P. L. 110, 4 P. & L. Dig. 1427.

13 Act June 26, 1895, P. L. 336, 3 P. & L. Dig. 520.

14 Act June 7, 1901, P. L. 510, 4 P. & L. Dig. 1428.

15 Act March 18, 1875, P. L. 34, 2 P. & L. Dig. 4193.

roads by railroad companies at their expense when necessary.[16] So the location may be changed to avoid grade crossings.[17]

State Roads.

217. Section 7 of article 3 of the Constitution provides that the General Assembly shall not pass any local or special law authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys. Prior to 1874 local acts providing for the laying out of special roads were frequent. Such usually designated the road commissioners, who should lay out the highway, as well as the manner in which the expense should be met. These acts were construed strictly. So where provision was made for the payment of one-half of the road taxes collected in a township yearly, until the highway was completed, the liability ceased upon the completion of the work, though the indebtedness was not liquidated.[18] Such local acts were constitutional though the township might be compelled to pay a greater sum than would be expended in building the portion of the road within its own limits.[19] And it was held to be immaterial that no provision was made for the securing of rights of way, and that the obtaining of such was not a prerequisite to the awarding of contract for construction.[20] They were unconstitutional, where the costs were directed to be paid by individuals living within certain distances of the road to the exclusion of the other inhabitants of the township.[21]

Warrants issued in payment by such road commissioners were not negotiable, and the holder could not sue in his own name.[22] A demand upon the treasurer was necessary before

16 Act Feb. 19, 1849, P. L. 79, Sec. 13, 2 P. & L. Dig. 3924.
17 Act June 7, 1901, P. L. 531, 4 P. & L. Dig. 1384.
18 Lumber Township *vs.* Cameron County, 134 Pa. 105.
19 Mahanoy Township *vs.* Comry, 103 Pa. 362.
20 East Union Township *vs.* Comrey, 100 Pa. 362.
21 Washington Avenue, 69 Pa. 352.
22 East Union Township *vs.* Ryan, 86 Pa. 459; Comrey *vs.* East Union Township, 202 Pa. 442.

the institution of an action to recover.[23] But not upon the supervisors.[24] From the time the right of action accrued, interest was allowable, although the warrants did not bear interest from their dates.[25] Payment of the certificate holders could not be enforced by mandamus against the township treasurer, tax collectors and the county treasurer, without joining the supervisors. It was a duty to first bring suit and obtain judgment.[26] Nor could the treasurer be compelled by mandamus to pay money to road commissioners appointed under an act subsequently repealed.[27] The township could compel by mandamus the payment to it of moneys in the hands of the county treasurer received from road taxes and belonging to the township, since his duty was purely ministerial.[28] And the certificate holder could recover in an action of assumpsit against the township, though he was not entitled to set off the same against his road taxes.[29] The sum collected was to be appropriated to the purposes named in the act, and was not to be used for the payment of attorney fees.[30] The fact that suit had been brought upon one warrant drawn, during the course of the work, did not prevent a second action on subsequent warrant issued.[31] It was no defense to such actions that the road had not been completed.[32] Where the road commissioners have been directed to open the road, they may be indicted for failure to do so.[33]

State Roads, Continued.

218. By the Act of May 23, 1878,[34] the supervisors of the

23 East Union Township *vs.* Ryan, 86 Pa. 459.
24 East Union Township *vs.* Comrey, 100 Pa. 362.
25 Mahanoy Township *vs.* Comry, 103 Pa. 362.
26 Commonwealth *vs.* Thompson, 86 Pa. 442.
27 Thompson *vs,* Commonwealth, 81 Pa. 314.
28 Porter Township Road, 1 Walker 10.
29 Porter Township Road, 1 Walk. 16.
30 Porter Twp. Road, 1 Walk. 21.
31 East Union Township *vs.* Comrey, 9 Atl. 290, s. c. 8 Cent. 434.
32 East Union Township *vs.* Comrey, 100 Pa. 362; East Union Township *vs.* Comrey, 9 Atl. 290, s. c. Cent. 434.
33 Commonwealth *vs.* Reiter, 78 Pa. 161.
34 Act May 23, 1878, P. L. 102, 2 P. & L. Dig. 4139.

several townships are authorized to take full charge of the State roads, which have been laid out and to keep them in order. The same legislation authorizes the levy of a special tax to pay the expense of opening or laying out any such public highway. The accounts of the supervisors, in such case, are to be settled with the auditors of the respective townships in the same manner as the other accounts are settled. The provisions of this act do not apply to counties having a population greater than 75,000 inhabitants; nor to any State road the accounts of which have been closed up, and the money distributed by virtue of any Act of Assembly or decree of court. State roads authorized prior to the Constitution of 1874, but not opened before 1876 cannot be now, unless the provisions of the Act of May 2, 1876,[35] have been complied with, which directed a vote of the inhabitants of said township within two years after the passage of the act, and unless such vote was in favor of such completion.

State Roads, Continued.

219. By the Act of June 26, 1895,[36] a general system for the construction of State highways was provided. This legislation was constitutional.[37] By subsequent enactment,[38] the Act of 1895 was practically supplanted. All that is left of it is the authority given to the county commissioners to take over a township road as a county road and pay the local part of the expense of so doing.[39]

The Act of 1903 created a State highway department and provided for the improvement of highways in townships or between boroughs and townships on petition of the county commissioners. When such request is granted, plans are to be prepared, with estimates, of the expense of the work, and the re-

35 Act May 2, 1876, P. L. 95, Sec. 1, 2 P. & L. Dig. 4137.
36 Act June 26, 1895, P. L. 336, 3 P. & L. Dig. 520.
37 Middletown Road, 15 Pa. Sup. 167.
38 Act April 15, 1903, P. L. 188.
39 Township Roads, 28 Pa. C. C. 497.

sult of the same reported to the county commissioners, and the supervisors of the township or townships in which the said highway lies. If the commissioners and supervisors decide that it is available to undertake the work, the State highway department may contract jointly with the county, township or townships to carry out the recommendation. The cost of the same is to be borne 66 2-3 per centum by the State, 16 2-3 per centum by the county and 16 2-3 per centum by the township or townships in which the portions of the highway to be improved may lie. All of the work is to be done by contract according to the plans and specifications prepared by the State highway commissioner and approved by the county commissioners and supervisors. In awarding the contract to the lowest bidder, the State highway commissioner, the county commissioners or the township supervisors retain the right to reject any of the bids, if they consider the same unreasonable. The township through its supervisors may bid for the construction of the portion of the road within its own limits. Upon completion of the work, the cost is to be apportioned in the ratio already stated. The share of the township or townships shall be paid by the township supervisors or the commissioners, as other debts of the said township or townships are paid. Partial payments of not more than two-thirds of the contract price may be made in advance of the full completion of the work upon the approval of the State highway commissioner. For the purpose of securing the fund necessary for the payment of the township's share a cash road tax is authorized. No work shall be begun, however, until the county commissioners and supervisors of the township enter into a contract to assume their respective share of the costs.

In addition to the cash road tax provided by this act, the township is authorized to incur indebtedness or to issue bonds in the manner authorized by law for the payment of the township's share of the cost of the highway's improvement.

The township supervisors may petition the county commissioners for the reconstruction of a highway, who in turn, by

resolution, may petition the highway department. If the county commissioners fail to act upon such petition, the supervisors may apply to the court of quarter sessions for the appointing of a jury of viewers to examine into the necessity of the proposed improvement. The supervisors of adjacent townships may join in such petition.

If within thirty days after the receipt of any petition for highway improvement in any township, under the provisions of this act, a petition signed by the owners of a majority of the assessed valuation of real estate in said township is received by the county commissioners of the county in which the township is located, protesting against said proposed expenditure on the part of the township, then the county commissioners will take no action on the petition, but shall return the same to the supervisors. So the owners of a majority of the assessed valuation of real estate may request the supervisors or the commissioners of the township to petition the county commissioners.[40]

Maintenance.

220. Ten per centum of the amount available for highway purposes shall be set aside for the maintenance of highways, and shall be apportioned by the State highway commissioner among the townships or counties applying for the same in proportion to the mileage of improved highways made under the provision of this act, or which have already been made, or may hereafter be made, at the expense of such township or counties, and which are of the standard prescribed by the State highway department for improved highways. To secure this assistance, a sworn petition of the supervisors or commissioners must be filed with the State highway department, giving the number of miles of highways improved, and the cost of the same to the township, together with the condition of said improved highways, and

40 Act April 15, 1903, P. L. 188.

the average annual cost of maintaining the same. The State commissioner of highways may, if conditions warrant it, apportion to the said township its proportion of the total amount available, but in no case shall more be paid than one-half of the annual cost of maintaining the improved highway.[41] Under this act a township is entitled to State aid in reconstructing a road destroyed by an extraordinary rain storm and originally built under the provisions of the Act of June 26, 1895.[42]

Turnpikes.

221. By the Act of April 19, 1844,[43] turnpike roads condemned or abandoned were declared to be county roads, and the supervisors of the various townships were directed to keep the same in repair. This act was extended to plank roads by the Act of March 16, 1867.[44] The abandonment of a turnpike road does not affect the existence of the road as a public highway, but it is thenceforth, to be maintained in good order by the municipality within which the road is located.[45] Turnpike roads condemned under the provision of the Act of June 2, 1887,[46] are to be properly repaired and maintained at the expense of the proper city, township or district, as other public roads or streets therein are by law repaired and maintained. This liability to keep the condemned roads in repair is only incidental, and the township is not a party to the condemnation proceeding, and there is therefore no necessity of giving notice to it.[47] Like provisions for care of roads condemned, where they are located in whole or in part upon a line dividing two counties are made by the Act of April 28, 1899.[48]

41 Act April 15, 1903, P. L. 188.
42 South Bethel Twp. Road, 29 Pa. C. C. 95.
43 Act April 19, 1844, P. L. 314, Secs. 8 and 9, 2 P. & L. Dig. 4154.
44 Act March 16, 1867, P. L. 37, 2 P. & L. Dig. 4154.
45 Pittsburg M. & Y. R. Co. *vs.* Com. 104 Pa. 583.
46 Act June 2, 1887, P. L. 306, 2 P. & L. Dig. 4769.
47 *In re* Condemnation of Harrisburg & Cornwall Turnpike, 2 Dauphin Co. 51.
48 Act April 28, 1899, P. L. 79, Sec. 11, 4. P. & L. Dig. 1502.

By the Act of April 5, 1870,[49] the supervisors are authorized to take possession of abandoned turnpikes or plank roads, when the company has failed, after a space of thirty days, to keep the same in repair. From such time, it shall be considered a county road, free of tolls, until the company or other person claiming the same, shall pay the supervisors of the township for the use of the township, all sums of money, and for all labor, with interest, by the several supervisors expended on such road. It would seem that the supervisors may restrain the taking possession of the abandoned road, and the charging of tolls thereon until the township has been reimbursed.[50] But equitable relief must be promptly asked for, and it will not be granted where no objection has been made for sixteen years after repossession has been taken and money expended.[51]

A turnpike company whose road runs through unseated lands may by its proper authorities abandon its road and give official notice to the supervisors of the proper township that it has abandoned all its right, interest and title in such turnpike, or a part thereof, and where by acceptance or user, such abandoned turnpike, or part thereof, has become a township road, in every such case, such road or part thereof, shall become a county road, and kept in proper condition and repair by the county commissioners of the proper county.[52]

Sidewalks.

222. Unless by virtue of special legislation,[53] there is no general statutory duty requiring the township to make footwalks. The construction of such by a citizen, even though the work was done in part by the supervisor, will not impose liability upon the township, for injury resulting from its defec-

49 Act April 5, 1870, P. L. 48, Sec. 2, 2 P. & L. Dig. 4763.

50 Schload *vs.* Clay and Hinkletown Turnpike Company, 192 Pa. 40.

51 Nesinger *vs.* Clay and Hinkletown Turnpike Co., 203 Pa. 265.

52 Act July 10, 1901, P. L. 650, 4 P. & L. Dig. 1496.

53 NOTE.—E. g. the Act of April 15, 1869, for Bucks County; Benjamin Borough Incorporation, 17 Pa. C. C. 531.

tive condition.[54] By the Act of May 7, 1889,[55] the right was given to abutting owners of land to lay out and build one sidewalk along the public highway as far as said persons' lands extended along the same. Such footwalks cannot be of greater width than four feet, and are to be constructed and kept in repair by the land owner at his own expense. By the Act of June 26, 1895,[56] the supervisors are authorized upon the request of any land owner, whose land fronts upon the public highway, within such township, to establish a proper width and location for a sidewalk along each side of said highway along the lands of said owner, which width of walk on each side of said highway shall not be less than six feet for roads of fifty feet in width or less, and for roads in excess of fifty feet in width shall be ten feet in width, and when said sidewalks are established it shall be the duty of such land owner to pay for and keep the same in repair. When the footwalk has been established, any person wilfully injuring or obstructing it is guilty of a misdemeanor, and upon conviction may be punished by a fine not to exceed $10.00, or imprisonment in the county jail for a period not to exceed thirty days, or either, in the discretion of the court.[57] By the Act of April 6, 1868,[58] a penalty was imposed for driving upon sidewalks, and by the Act of May 7, 1889,[59] a penalty was imposed for obstructing any footwalk.

Sidewalks in Townships of the First Class.

223. Whenever the owner of property fronting on either

54 Chartiers Township *vs.* Langdon, 114 Pa. 541; Langdon *vs.* Chartiers Township, 131 Pa. 77; Chartiers & Robinson Turnpike Road Co. *vs.* Nester, 7 Atl. 162.

55 Act May 7, 1889, P. L. 110, 2 P. & L. Dig. 4230.

56 Act June 26, 1895, P. L. 324, 3 P. & L. Dig. 529.

57 Act April 28, 1899, P. L. 78, 4 P. & L. Dig. 945. QUERY.—Does this act apply only to sidepaths as provided for by the Act of April 11, 1899, P. L. 36, or to all sidewalks; See Porter *vs.* Shields, 200 Pa. 241.

58 Act April 6, 1868, P. L. 67, 2 P. & L. Dig. 4192.

59 Act May 7, 1889, P. L. 110, 2 P. & L. Dig. 4192.

side of a public highway in any village in the township requests by petition that a sidewalk, with or without curbing, be constructed along the side of streets or highways at the expense of the property owners, and it shall appear that the petition includes the owners of a majority of frontage in lineal feet on that side of the highway where the sidewalk is desired, it shall be lawful for the board of township commissioners, by ordinance duly adopted to require the owners of property abutting on that side of the highway, where the sidewalk is desired, between designated points, to grade and pave and, if necessary, to curb the sidewalk in front of their respective property, in the manner prescribed by the ordinance. If the owners fail to cause such paving and curbing to be done within sixty days from notice, it shall be lawful for the board of township commissioners to cause the same to be done, and to collect the cost thereof from the abutting property owners, in proportion to their frontage. And if the same shall not be paid, to file a lien therefor, in the nature of a municipal lien on the abutting property in the court of common pleas of the county, and to include therein a penalty of 20 per centum of the amount of the cost of the work.[60] Section seven of the same act,[61] provides for the paving and curbing of sidewalks in villages.[62] By Act of April 23, 1903,[63] township commissioners are given power to survey, lay out, enact and ordain footwalks, pavements, boardwalks, culverts and drains over and upon lands abutting on or alongside of turnpike roads, where the same pass through any town or village, and fix the size and width thereof, and require the paving and curbing by owners of land fronting thereon, in accordance with the terms of the ordinance. Damages and benefits to property caused by

60 Act April 28, 1899, P. L. 104, Sec. 12, 4 P. & L. Dig. 923, see Act April 23, 1903, P. L. 265, Sec. 1.

61 Sec. 7 same Act, 4 P. & L. Dig. 917.

62 Re-enacted May 24, 1901, P. L. 297.

63 Act April 23, 1903, P. L. 265.

such action shall be assessed and paid for as provided by existing laws relating to the widening of roads and streets by township commissioners. On the failure of owners of land to comply with the provision of the ordinance, within the time prescribed, the township commissioners may cause the work to be done, and collect from the owners the costs of the work and materials, with a penalty of ten per centum to cover the expense of collection and file a municipal claim therefor against the abutting property in the manner prescribed by law.

No claim shall be filed for curbing, recurbing, paving, repaving or repairing the footways of any highway, unless the owner shall neglect to do such work in such a length of time as may be prescribed by the ordinance, after notice so to do is served upon him or his agent, or the person in possession of the property; except when in the case of curbing or recurbing or repaving the footway, it shall form part of an improvement resulting also in the paving, macadamizing or otherwise improving the cartway of said highway. If there be no agent or party in possession, it may be posted on the most public part of the property.[64]

Sidepaths.

224. By the Act of April 11, 1899,[65] provision was made for the construction and maintenance of sidepaths along the highway in townships for the use of bicycles and pedestrians. This legislation provided for the appointment of sidepath commissioners and prescribed their duties. By it a tax was to be levied for the payment of the expenses. This legislation has been held to be unconstitutional, in that it provides for the appointment of special commissioners to exercise municipal functions, and is therefore contrary to article 3, section 20 of the Constitution.[66] Even if the intention of the act was not to create special commissioners, but to provide for officers with powers

64 Act June 4, 1901, P. L. 364, Sec. 8, 4 P. & L. Dig. 1256.
65 Act April 11, 1899, P. L. 36.
66 Commonwealth *vs.* Smith, 9 D. R. 350, s. c. 23 Pa. C. C. 646.

not now possessed by townships, then the act is open to the constitutional objection that the sidepath commissioners are county officers, and as such cannot be appointed by the court of quarter sessions as provided by the act, but must be elected at the general election.[67]

Water Troughs.

225. Under the supervision of the supervisors or road commissioners, any person may erect and maintain a water trough along a public road of not less than six feet in length, twelve inches in width and ten inches in depth in the clear, of either wood or iron or stone, and have pure, clear water continually running in the same, except in freezing weather, and erected of sufficient height and easy access suitable for the watering of horses and cattle. For such, an allowance of five dollars annually is to be made from the road tax for the service. Only one trough within a distance of five miles is to be paid for. If the water cannot be secured by pipes, a pump may be provided, for the use of any person desiring water. In such case the owner shall be entitled to the same annual pay. If individuals fail to furnish such trough, the supervisors or road commissioners may, with the consent of the owner of the land, erect such trough and keep the same in proper repair at an annual expense not to exceed five dollars.[68]

Any person who shall wantonly destroy or injure a trough, or who shall commit any nuisance upon or near the same, shall be liable to prosecution before a justice of the peace, and upon conviction be punished by a fine not to exceed $20.00. If he shall refuse to pay the same, he may be committed to the county prison for a period not to exceed ten days.[69]

67 Porter *vs.* Shields, 200 Pa. 241. This decision renders it unnecessary to consider the cases of Westgate *vs.* Spalding, 8 D. R. 490, and Armitage *vs.* Crawford County, 24 Pa. C. C. 207, in which the question of the constitutionality of the act was not raised.

68 Act April 28, 1876, P. L. 51, as amended by Act of June 25, 1885, P. L. 168, 2 P. & L. Dig. 4230-1.

69 Act April 28, 1876, P. L. 51, Sec. 4, 2 P. & L. Dig. 4232.

CHAPTER XXIII.

BRIDGES.

SECTION
226. Duty as to bridges.
227. Cost of bridge.
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Duty as to Bridges.

226. It is the duty of the supervisors in making and repairing public roads to make and maintain within their respective townships sufficient causeways of stone or timber on marshy or swampy ground; and also to maintain sufficient bridges over all small creeks and rivulets and deep gullies, where the same shall be necessary for the use and safety of travelers.[1] Contracts for the building of such bridges must be entered into by the supervisors jointly.[2] They may contract for the building of roads with bridges, though the effect might be to deprive some of the taxpayers of their power to work out their road taxes.[3] And it is no defense to an action upon such contract, that taxes remain unpaid, and that carpenters reside in the township, who are willing to work out their road taxes in the construction of the bridge.[4] The duty imposed upon the supervisors to erect proper bridges may be enforced by indictment,

1 Act June 13, 1836, P. L. 551, Sec. 31, 2 P. & L. Dig. 4152.

2 Commonwealth *vs.* Killinger, 1 Pearson 257; Cooper *vs.* Lampeter Township, 8 Watts 125.

3 Childs *vs.* Brown Twp., 40 Pa. 332.

4 Oakland Twp. *vs.* Martin, 104 Pa. 303.

and therefore a writ of mandamus will not be granted.[5] The same determination was made in Garman *vs.* Carroll and Spring Townships [6] on the ground that the necessity for the erection of a foot log was a matter within the discretion of the supervisors. In Billman *vs.* Carroll Township Supervisors [7] a writ of mandamus was granted to compel supervisors to replace a foot bridge, the duties having been ascertained.

Cost of Bridge.

227. When a river, creek or rivulet, over which it may be necessary to erect a bridge, crosses a public road or highway, and the erection of such bridge requires more expense than it is reasonable that one or two adjoining townships should bear, the court of quarter sessions having jurisdiction shall, on representation of the supervisors, or on petition of inhabitants of any township, order a view in the manner provided for in the case of roads. And if on the report of the viewers, it shall appear to the court, grand jury and commissioners that such bridge is necessary, and would be too expensive for such township, it shall be entered on the record as a county bridge.[8] The commissioners, after the report of the viewers is approved by the court and grand jury, may assist one or two adjoining townships in the expense of building the bridge, when it is too great for the township to bear, though they do not think it advisable to enter such bridge on record as a county bridge. The effect of this legislation is to empower county commissioners to aid local communities in building county bridges, without adopting any bridge in question, wholly as a county bridge.[9]

5 Commonwealth *vs.* Killinger, 1 Pearson 257.

6 Garman *vs.* Carroll and Spring Twps., 1 D. R. 530.

7 Billman *vs.* Carroll Twp. Supervisors, 1 Pa. C. C. 129.

8 Act June 13, 1836, P. L. 551, Sec. 35, 2 P. & L. Dig. 4156; Commonwealth *vs.* Commissioners of Monroe Co., 2 W. & S. 495; Act May 25, 1887, P. L. 267, 2 P. & L. Dig. 4167, amended by Act March 27, 1903, P. L. 74; See Act April 28, 1899, P. L. 91, Sec. 1, 4 P. & L. Dig. 1435.

9 Westfield Borough *vs.* Tioga County, 150 Pa. 152.

They may either build the bridge, or a portion thereof, or furnish money with which this is to be done.[10] When such assistance is given a record of the proceedings is to be kept,[11] and such bridge shall be maintained, kept in repair and rebuilt when necessary by the respective township or townships, and the county shall in no event be liable for the same.[12]

Bridges on Boundaries.

228. Where a small creek, over which a bridge may be necessary shall be on the boundary or division line of townships, the bridge shall be built and maintained at the joint and equal expense of the said townships by their respective supervisors, in the manner directed by law in the case of public roads, which may be the division line of townships.[13] Where one of the districts refuses upon notice to aid the other in the construction of the bridge, one may build and collect the proportionate share from the other township.[14] Where the lines of the districts do not abut, but end respectively upon the bank of a stream, the act does not apply, and a recovery cannot be had from the township which refuses to join.[15] In building causeways, the supervisors must act in such a manner as to do as little damage as possible, but no recovery can be had from them for injury to private property caused by the obstructing of water by causeways, where it is not shown to have been done with malicious intent; or with such reckless and wanton disregard of the interests of others as would be equivalent thereto.[16] Where a joint bridge has been erected, it is the duty of the districts jointly to keep the same in repair.[17] And

10 Westfield Borough *vs.* Tioga County, 150 Pa. 152; Com. *vs.* Swatara Twp., 5 Dauph. 173.

11 Com. *vs.* Swatara Twp., 5 Dauph. 173.

12 Act June 11, 1879, P. L. 146, Sec. 2, 2 P. & L. Dig. 4168.

13 Act June 13, 1836, P. L. 551, Sec. 34, 2 P. & L. Dig. 4155.

14 Pottsville Borough *vs.* Norwegian Township, 14 Pa. 543.

15 Gouldsboro Borough *vs.* Coolbaugh Township, 87 Pa. 48.

16 Yealy *vs.* Fink, 43 Pa. 212.

17 Rapho & West Hempfield Twp. *vs.* Moore, 68 Pa. 404.

where the supervisors of each district have fixed a dividing line, each must repair its share of the bridge, and each will be liable for injury resulting from the negligence upon its own part.[18]

By the Act of July 9, 1897,[19] the county is directed to build bridges or culverts between cities and boroughs or townships, if directed by the court of quarter sessions after petition therefor by not less than twenty-five resident taxpayers of the county, and a favorable report of the viewers appointed to determine the necessity.

Bridges on County Lines.

229. Such bridges, and those within one-fourth mile of the line necessary for the accommodation of both counties are to be built as other county bridges, except that the court of quarter sessions of each county shall appoint three of the viewers, and a report as in other cases is to be made to the respective courts, and said courts shall together with the grand juries and commissioners of the respective counties in all other respects have and exercise all concurrent jurisdiction therein.[20] In such case it is the duty of the county and not of the township to build sufficient approaches to the end by filling up the adjacent road to the bridge level.[21]

Approaches.

230. When a bridge is erected by the county, it is the duty of the county commissioners to build the approaches necessary for its proper use.[22] And this is a duty not affected by the Act of April 15, 1869,[23] which gives to the county power to assist a township in the construction of approaches, where it is too ex-

18 Sheridan *vs.* Palmyra Twp., 180 Pa. 439.

19 Act July 9, 1897, P. L. 218, 3 P. & L. Dig. 540.

20 Act June 13, 1836, P. L. 551, Sec. 46, 2 P. & L. Dig. 4159, amended by the Act of April 23, 1903, P. L. 289.

21 Penn Twp. *vs.* Perry Co., 78 Pa. 457.

22 Penn Township *vs.* Perry County, 78 Pa. 457.

23 Act April 15, 1869, P. L. 46, 2 P. & L. Dig. 4163.

pensive for the latter to bear.[24] But this obligation cannot be enforced where the bridge does not end upon the highway, but there is land between it and the road. In such case they may await until a highway is laid out.[25]

Where the construction of an embankment or causeway leading to either end of a bridge requires more expense than it is reasonable that the township should bear, the court having jurisdiction may, upon the representation of the supervisors, or on the petition of any of the inhabitants of the township order a view. If the viewers report that such construction is necessary, the court may approve the finding, and order it entered, and recorded as a county improvement, and constructed as county bridges are erected.[26] The power to assist the township by paying the entire costs, or a portion thereof, after a report of viewers, approved by the court and grand jury, was given by the Act of May 25, 1887,[27] Such a contract with the township should be in writing, signed by both supervisors.[28]

Public roads laid out and confirmed, but not opened, leading to either end of a county bridge across a stream of water one thousand feet wide or more, may be ordered, upon petition of taxpayers showing that the construction would be too burdensome for the township, to be constructed by the county, for a distance not exceeding one-fourth mile. The court, if no cause be shown to the contrary, may authorize the county commissioners to construct the road, and upon the approval of the same by the county commissioners, or a majority of them, it shall be opened.[29]

24 Commonwealth *vs.* Swatara Twp. Supervisors, 4 D. R. 468; 16 Pa. C. C. 490.

25 Commonwealth *vs.* Loomis, 128 Pa. 174.

26 Act April 15, 1869, P. L. 46, Sec. 1, 2 P. & L. Dig. 4163.

27 Act May 25, 1887, P. L. 267, 2 P. & L. Dig. 4167, amended by the Act of March 27, 1903, Sec. 1, P. L. 74.

28 Commonwealth *vs.* Supervisors of Swatara Township, 4 D. R. 468; 16 Pa. C. C. 490.

29 Act May 21, 1901, P. L. 268, 4 P. & L. Dig. 1425.

Repairs.

231. Bridges are treated as portions of the highway, and are to be maintained by the same persons as the highway. Where the bridge crosses a stream dividing townships, the duty to maintain it is on the two townships jointly.[30] By the Act of April 13, 1843,[31] this duty was transferred in certain counties to the county commissioners, who were directed to pay the sum from the county treasury. This act applied to all of the counties of the State except Bedford, Washington, Westmoreland, Tioga, Potter, Cambria, Somerset, Armstrong, Allegheny, and Susquehanna counties.[32]

By the Act of April 21, 1903,[33] the commissioners were authorized to further repair iron and steel bridges by painting and tightening them. Where the Act of 1843 applies, the

30 Rapho and West Hempfield Township *vs.* Moore, 68 Pa. 404; Commonwealth *vs.* Commissioners of Monroe Co., 2 W. & S. 495.

31 Act April 13, 1843, P. L. 221, Sec. 1, 2 P. & L. Dig. 4160.

32 NOTE.—"The provisions of this act are extended to Armstrong county, by the Act of 1854, May 5, P. L. 295; to Bedford, by the Act of 1854, March 31, P. L. 247; to Susquehanna county by the Act of 1899, April 13, P. L. 47; to Erie, by the Act of 1854, April 6, P. L. 295, and to Washington and Westmoreland, by the Act of 1850, April 26, P. L. 616, sec. 2. But by the Act of 1853, April 18, P. L. 482, Sec. 2, in Westmoreland county such bridges are to be repaired in the manner prescribed by law for public roads at the expense of the townships. The Act of 1843, April 13, P. L. 221, Sec. 1, was repealed as to Centre, Crawford, Elk, Huntingdon, Luzerne, Mifflin, Warren and Wyoming counties, by the Act of 1844, March 11, P. L. 86. As to Clinton county, the repealing act was repealed by the Act of 1876, May 4, P. L. 290.

"The Act of 1845, Feb. 24, P. L. 52, Sec. 5, making it the duty of the commissioners of Allegheny county to repair county bridges, and pay the expenses out of the county treasury, was repealed by the Act of 1849, April 5 P. L. 342, Sec. 4; and by the Act of 1851, April 12, P. L. 536, Sec. 4, the commissioners are authorized to make such repairs.

"As for repairs in Crawford county, see the Act of 1861, March 25, P. L. 206; in Washington, the Act of 1859, March 30, P. L. 309; in Wayne, the Act of 1870, March 21, P. L. 498.

"See Howe *vs.* Commissioners, 47 Pa. 361, 1864, as to the powers and duties of commissioners in Crawford county, in relation to repairs of bridges."

33 Act April 21, 1903, P. L. 228.

bridge becomes a county bridge, and the county is liable for damages, resulting from a failure to repair it.[34] And the county is liable for the cost of the repairs.[35] Where the repairs are needed the county commissioners may order them, if in their judgment, they are necessary for the accommodation of public travelers, without first obtaining the consent of the court and a grand jury.[36] If the evidence clearly shows the necessity, the duty may be enforced by mandamus.[37] The duty of the supervisors to repair still exists in those counties to which the Act of 1843 is not applicable.[38] The repairs referred to in the Act of 1843 are ordinary repairs, and this legislation does not authorize the rebuilding of the superstructure.[39]

Bridges built across canals must be repaired.[40] Or a railroad bridge opened for the benefit of the township.[41] Or a bridge across a condemned turnpike.[42] Private bridges are to be repaired by the owners of the land, but, if the work is done by the supervisors, the cost may be recovered from them.[43]

Alterations in County Bridges.

232. Where bridges have been contracted for, and it is desired to deviate from the plan agreed upon, the county commissioners may so direct, and in such case, if compensation cannot

34 Francis *vs.* Franklin Township, 179, Pa. 195.

35 Dougherty *vs.* Upper Allen Township Supervisors, 12 Pa. C. C. 304.

36 Commonwealth *vs.* County Commissioners, 14 Pa. C. C. 299.

37 Commonwealth *vs.* County Commissioners, 14 Pa. C. C. 299.

38 Erie Co. *vs.* Commonwealth, 127 Pa. 197; Whitmire *vs.* Muncy Creek Township, 17 Pa. Sup. 399; Smith *vs.* Muncy Creek Twp., 206 Pa. 7; Rush Township *vs.* Susquehanna Co., 6 Pa. C. C. 160. The act now applies to Susquehanna county since the Act of April 13, 1899, P. L. 47.

39 Erie County *vs.* Commonwealth, 127 Pa. 197; Commonwealth *vs.* Commissioners of Northampton Co., 1 North. 198; Commonwealth *vs.* County Commissioners, 14 Pa. C. C. 299; Howe *vs.* Commissioners of Crawford Co., 47 Pa. 361.

40 Meadville *vs.* Erie Canal Co., 18 Pa. 66.

41 Newlin Township *vs.* Davis, 77 Pa. 317.

42 Bedford & Stoystown Turnpike Bridge, 3 D. R. 709, s. c. 14 Pa. C. C. 296.

43 Woodring *vs.* Forks Twp., 28 Pa. 355; Book *vs.* P. R. R., 207 Pa. 138; See North Lebanon Twp. *vs.* Lebanon Co., 6 Pa. C. C. 538.

be agreed upon, the builder may recover the reasonable value of his services.[44] Additions or alterations, unless directed by the county commissioners cannot be recovered for.[45]

Rebuilding Bridges.

233. County commissioners are required to reconstruct bridges destroyed or partially destroyed by storm or fire.[46] For this purpose money may be borrowed not exceeding, however the constitutional limitation, at a rate of interest not to exceed six per cent., and bonds may be issued therefor in sums not exceeding $500.00.[47] This relieves the supervisors of the duty to rebuild the bridge or the causeway leading thereto.[48] And the duty may be enforced by mandamus.[49] Ordinary repairs do not come within the provisions of this legislation.[50]

Abandoned and Destroyed Bridges.

234. County commissioners are authorized to take charge of rebuilding and reconstructing bridges within the county which have been destroyed or abandoned. And where such bridges pass between two counties, the commissioners of both may so act. If the commissioners neglect or refuse to rebuild, upon petition of ten citizens, and taxpayers, residing in the township in which the bridge is to be located, setting forth the facts, and supported by the affidavits of two citizens, the court of common pleas may issue a mandamus to compel them to proceed.[51] For such purposes money may be borrowed.[52]

By the Act of April 19, 1895,[53] power to rebuild is given to

44 Act April 11, 1848, P. L. 506, Sec. 2, 2 P. & L. Dig. 4162.
45 *In re* White Clay Creek Bridge, 5 Pa. C. C. 366.
46 Act May 5, 1876, P. L. 112, Sec. 1, 2 P. & L. Dig. 4163.
47 Act May 5, 1876, P. L. 112, Sec. 2, 2 P. &. L. Dig. 4164.
48 Taylor Township *vs.* Lawrence County, 17 Pa. C. C. 396.
49 Myers *vs.* Commonwealth, 110 Pa. 217.
50 Commissioners of Erie County *vs.* Commonwealth, 127 Pa. 197.
51 Act June 16, 1891, P. L. 305, Sec. 1, 2 P. & L. Dig. 4166; See Keiser *vs.* Commissioners, 156 Pa. 315.
52 Act June 8, 1881, P. L. 67, Sec. 2, 2 P. & L. Dig. 4167.
53 Act April 19, 1895, P. L. 39, 3 P. & L. Dig. 535.

the county commissioners where bridges of corporations have been destroyed by ice or otherwise within ten years, and abandoned by the owners thereof.

By the Act of April 21, 1903,[54] the Commonwealth was directed to erect destroyed bridges across navigable rivers, and such of the streams as have been declared public highways by Act of Assembly. Bridges so erected are to be maintained by the county in which they are located.[55] By the Act of May 6, 1897,[56] and May 13, 1901,[57] amended by the Act of July 9, 1901,[58] the county commissioners, with the State board of property, are authorized to rebuild and reconstruct bridges over streams or rivers forming the boundary line between counties, the State to pay one-half the cost. Under this act the county commissioners have discretion as to rebuilding the bridge, but the court of common pleas must issue a mandamus to proceed upon petition of fifty taxpayers setting forth the facts, and sworn to by five.[59]

Bridges Over Railroads.

235. Where a road hereafter to be opened crosses a railroad, and it is deemed advisable for the protection of travelers to erect a bridge, and the expense thereof is more than it is reasonable for the township to bear, the court of quarter sessions, on the representation of the supervisors, or on petition of the inhabitants of the township, may order a view. If on the report of the viewers, it shall appear to the court, grand jury and commissioners, that such bridge is necessary, and would be too expensive for the township, it shall be entered on record as a county bridge. After such entry, it is the duty of the

54 Act April 21, 1903, P. L. 230.
55 Act June 3, 1895, P. L. 130, Sec. 8, 3 P. & L. Dig. 535.
56 Act May 6, 1897, P. L. 46, 3 P. & L. Dig. 536.
57 Act May 13, 1901, P. L. 191, 4 P. & L. Dig. 1440.
58 Act July 9, 1901, P. L. 620, 4 P. & L. Dig. 1439.
59 See Seabolt *vs.* Northumberland County Commissioners, 197 Pa. 110, in which the Act of May 6, 1897, 3 P. & L. Dig. 536 is considered.

county commissioners to provide for its erection.[60] This legislation did not apply to roads and highways then existing.

Notices on Bridges.

236. Supervisors are required to put up and maintain in conspicuous places at or near the end of a bridge erected at the expense of the public, having an arch of the length or span of forty-five feet or upwards, a notice in large and legible letters of the fine and penalty provided for the protection of such bridge, under penalty of a sum not to exceed $20.00.[61] This legislation is extended to iron bridges of the same dimensions, by the Act of March 18, 1864,[62] Where the bridge is on a township line, the supervisors of the township shall be liable to put up and maintain such notices only at or near the end of the bridge within their own township.[63]

Penal Provisions.

237. "If any person shall wilfully ride, drive or lead, or cause another person to ride, drive or lead any horse or beast of burden faster than a walk in crossing a bridge having an arch of the length or span of forty-five feet or upwards, such person shall for every such offense, forfeit and pay a sum of not less than five dollars or more than thirty dollars, provided, nevertheless, that notice of the provision be set up in the manner hereinbefore required." [64]

A like penalty is provided for driving cows faster than a walk.[65] A penalty of five dollars is to be imposed upon any person who shall carry fire across a bridge, except in a lantern or other vessel, in which it will be fully secured.[66] This pro-

60 Act April 11, 1903, P. L. 164.
61 Act June 13, 1836, P. L. 551, Sec. 63, 2 P. & L. Dig. 4160.
62 Act March 18, 1864, P. L. 68, 2 P. & L. Dig. 4191.
63 Act June 13, 1836, P. L. 551, Sec. 64, 2 P. & L. Dig. 4160.
64 Act June 13, 1836, P. L. 551, Sec. 70, 2 P. & L. Dig. 4190.
65 Act June 13, 1836, P. L. 551, Sec. 71, 2 P. & L. Dig. 4191.
66 Act June 13, 1836, P. L. 551, Sec. 72, 2 P. & L. Dig. 4191.

vision is not to be construed so as to infringe upon the chartered rights of any corporation.[67] All of these fines are recoverable in the name of the Commonwealth, at the instance of any person who shall sue therefor, in the same manner as debts of like amount are recoverable with costs of suit. Of the sum collected, one-half is payable into the county treasury of the respective townships for the use of the supervisors of the public road, and the remainder to the person suing for and recovering the same.[68]

67 Act June 13, 1836, P. L. 551, Sec. 73, 2 P. & L. Dig. 4191.
68 Act June 13, 1836, P. L. 551, Sec. 75, 2 P. & L. Dig. 4191.

CHAPTER XXIV.

ACTIONS BY AND AGAINST TOWNSHIPS.

SECTION
238. Power to sue.
239. Actions against townships.
240. Actions by supervisors.
241. Intervention of taxpayers.
242. Mandamus.
243. Mandamus, continued.
244. Mandamus, continued.
245. Execution.

Power to Sue.

238. The township may bring and conduct actions in its own name.[1] Thus it may sue on the bond of a tax collector.[2] Or may maintain an action against a delinquent supervisor.[3] And the suit may be brought in the name of the township, though the bond has been taken in the name of the auditors for the use of the township.[4] Or in the name of the road commissioners individually.[5] So the township may institute mandamus proceedings to compel a railroad company to make a road for public accommodation, as required by its charter.[6] And the local authorities may be made parties to a bill in equity, filed by one street railway company against another, each of which claims to have local consent for the construction of the road.[7] If compelled to undergo expense in the perform-

1 Act April 15, 1834, P. L. 537, Sec. 5, 1 P. & L. Dig. 998.

2 Commonwealth *vs.* Gruver, 13 Pa. Sup. 553; Commonwealth *vs.* Piroth, 17 Pa. Sup. 586.

3 Shronk *vs.* Supervisors of Penn Twp., 3 Rawle 347, following Willard *vs.* Parker, 1 Rawle 448; Com. *vs.* Smythe, 21 Lanc. L. R. 109.

4 Dyer *vs.* Covington Township, 28 Pa. 186.

5 Anderson *vs.* Hamilton Township, 25 Pa. 75.

6 Whitemarsh Twp. *vs.* Philadelphia, Germantown & Norristown R. R. Co., 8 W. & S. 365.

7 Middletown, etc. R. Co. *vs.* Middletown Elec. Ry. Co., 16 Pa. C. C. 127.

ance of work, which should have been done by individuals, the sum expended, may be recovered.[8] In townships of the first class suit may be brought for the violation of ordinances, where fines and penalties have been provided.[9] So they may collect license charges, where such are required to be taken out for vehicles used for carrying persons or property for hire.[10] Or collect costs of sidewalks constructed by the board of township commissioners.[11]

Actions Against Townships.

239. The supervisors of the township may confess judgment in an action brought. They are not bound to defend where such would be useless.[12] And though the judgment be confessed by but one supervisor, it will be only irregular and not void.[13] An action will lie for the amount of an order legally drawn on the township treasurer, and which has been duly presented to him and payment refused.[14] It would seem, however, that the action should not be based upon the warrant issued, but the suit be brought on the original claim.[15] Actions against the township should be brought against it, and not against the supervisors.[16] And it is not necessary that the supervisors be joined.[17] The summons is to be served upon the supervisors.[18]

8 Woodring *vs.* Forks Township, 28 Pa. 355.

9 Act April 28, 1899, P. L. 104, Sec. 7, 4 P. & L. Dig. 921; Act June 10, 1901, P. L. 551, 4 P. & L. Dig. 921.

10 Act April 11, 1903, P. L. 164.

11 Act April 28, 1899, P. L. 104, Sec. 12, 4 P. & L. Dig. 923.

12 Maneval *vs.* Jackson Township, 141 Pa. 426.

13 Brown *vs.* Rush Township No. 1, 5 D. R. 517; Sheetz *vs.* Rush Township, 5 D. R. 516; Merold *vs.* Rush Township, 5 D. R. 514.

14 Township of East Union *vs.* Comrey, 100 Pa. 362.

15 Allison *vs.* Juniata Co., 50 Pa. 351. This question is not decided in Maneval *vs.* Jackson Twp., 141 Pa. 426, on the ground that it was not raised by the proper party. But see Stebbins *vs.* Twp., 13 D. R. 64.

16 Laughlin *vs.* Township, 1 Just. Law Rep. 117; Eisenhart *vs.* Hykes, 4 Lanc. L. R. 98.

17 Shea *vs.* Plains Township, 7 Kulp 554; Commonwealth *vs.* Thompson, 86 Pa. 442.

18 Eisenhart *vs.* Hykes, 4 Lanc. L. R. 98.

And it would seem that a service upon one is sufficient.[19] But a return setting forth that the summons was left at the residence of a supervisor is not a sufficient service[20] since this is not a compliance with the Act of March 20, 1810.[21]

The orders issued by the township are not negotiable, and the action cannot be brought in the name of the holder, when not issued to him.[22] Even though the warrant be made payable to bearer.[23] Before the action is brought, a demand should be made upon the township treasurer; but it is not essential that such be made upon the supervisors.[24] But a demand need not be shown where the defendant avers that the order was taken by the plaintiff with the knowledge that there were no funds in the treasury.[25]

By the Act of April, 21, 1858,[26] the legislation requiring municipal corporations to file affidavits of defense to actions brought against them was repealed, and judgment for want of such is therefore to be refused.[27] This enactment was supplemented by the Act of April 26, 1893,[28] which provided that municipal corporations shall not be required to file affidavits of

19 Merold *vs.* Rush Township, 5 D. R. 515, following Kleckner *vs.* County of Lehigh, 6 Whart. 66; See also Sheetz *vs.* Rush Township 5 D. R. 516.

20 Bailey *vs.* Jefferson Township, 7 D. R. 550.

21 Act March 20, 1810, 5 Sm. L. 261, Sec. 2, 1 P. & L. Dig. 2555.

22 Snyder Twp. *vs.* Bovaird, 122 Pa. 442; First National Bank of Northumberland *vs.* Rush School Dist., 81½ Pa. 307; Central School Supply Co. *vs.* South Middleton Twp. School Board, 9 Pa. Sup. 110; Livingston *vs.* South Middleton Twp. School Board, 15 Pa. Sup. 358; Stephen *vs.* Wyoming School Dist., 10 D. R. 135; Warner *vs.* Commonwealth, 1 Pa. 154.

23 Comrey *vs,* East Union Township, 202 Pa. 442.

24 East Union Township *vs.* Comrey, 100 Pa. 362.

25 Stebbins *vs.* Leidy Township, 13 D. R. 64.

26 Act April 21, 1858, P. L. 385, Sec. 8, 2 P. & L. Dig. 3608. This act is entitled a supplement to the act incorporating the city of Philadelphia, yet the 8th section has a general application. Garrard *vs.* County of Allegheny, 2 Pitts. 338.

27 Halsey *vs.* Denison Twp., 2 Luzerne L. Obs. 212; See Little *vs.* Lower Merion Twp., 7 Montg. 205.

28 Act April 26, 1893, P. L. 26, 1 P. & L. Dig. 388.

defense in actions of assumpsit. It is not necessary, therefore, for the township to file an affidavit of defense, and judgment cannot be taken for failure to do so.[29]

It is proper for the township to defend to the action on the ground that the indebtedness was contracted by but one supervisor, where the expenditure was a matter requiring deliberation.[30] But one supervisor may contract indebtedness in case of extraordinary emergency, and bind the township.[31] And it will be bound where the township has been divided, each supervisor taking a certain portion, the supervisor in control having contracted the indebtedness.[32]

Ordinarily no interest is recoverable upon a suit on the township order.[33] But such is allowable in an action upon the original indebtedness from the time of a demand and refusal to pay.[34] Where a judgment has been rendered, it cannot be impeached collaterally for mere irregularities.[35] But it can be stricken off if void, and not merely irregular.[36]

Actions of Supervisors.

240. The supervisor having a claim for work performed or money expended must present his claim to the auditors, and if refused payment must appeal to the court of common pleas.

29 Barrett *vs.* Plymouth Twp., 6 Del. Co. 428, s. c. 12 Montg. 120; 13 Lanc. Law Review 399; James *vs.* Fell Twp. Poor Board, 3 Lack. Leg. News 338, s. c. 7 D. R. 12.

30 Wolf *vs.* Sterling Township, 3 Luz. Leg. Obs. 276; Union Twp. *vs.* Gibboney, 94 Pa. 534; Logan *vs.* Rochester Twp., 21 Pa. Sup. 113; Somerset Twp. *vs.* Parson, 105 Pa. 360.

31 Maneval *vs.* Jackson Twp., 141 Pa. 426.

32 Commonwealth *vs.* Colley Township, 29 Pa. 121.

33 Snyder Twp. *vs.* Bovaird, 122 Pa. 442; Dyer *vs.* Covington Township, 19 Pa. 200; East Union Township *vs.* Ryan, 86 Pa. 459; Stebbins *vs.* Leidy Twp., 13 D. R. 64.

34 Mahanoy Township *vs.* Comry, 103 Pa. 363; Snyder Twp. *vs.* Bovaird, 122 Pa. 442; Allison *vs.* Juniata Co., 50 Pa. 351; Friend *vs.* Pittsburgh, 131 Pa. 305.

35 Brown *vs.* Rush Township No. 1, 5 D. R. 517; Merold *vs.* Rush Twp., 5 D. R. 514.

36 Sheetz *vs.* Rush Twp., 5 D. R. 516.

The claim should consist of an itemized account of the work done and expense incurred, and not merely a lump credit.[37] His remedy is given to him by statute, and there is no common law right of action.[38] But he may sue for the amount found due to him by the auditors.[39] In Barrett *vs.* Plymouth Township,[40] it was said that the certificate was as binding as a judgment, and the remedy was to compel the levy of a special tax.

Intervention of Taxpayers.

241. The Act of March 23, 1877,[41] provides that in case of any unsatisfied judgment or any suit or process of law, against any township, borough, school, or poor district, or other municipal district in Pennsylvania, any taxpayer of such township, borough, etc., may inquire into the validity of any judgment, or defend the township, borough, etc., in any suit or judgment. Upon petition accompanied by affidavit that the petitioner believes that injustice will be done to the township, borough, etc., in the suit or judgment, presented to the court of common pleas in which the suit may be pending or the judgment exist, he shall have the right to come into court and defend the township, borough, etc., in any suit, and inquire into the validity of any judgment against it, as fully and completely as the officers of the township, borough, etc., would by law have the right to do. But the court may, if it deems necessary, compel such taxpayer to file in the court of common pleas a bond with one or more sureties approved by itself, to indemnify and save harmless the township, borough, etc., from all costs that may accrue in the suit, subsequently to the filing of the petition. As the right thus conferred does not exist at common law it exists only under the circumstances mentioned in this act, one of which is that the suit or judgment is in the common pleas.

37 Stolpe's Appeal, 11 Kulp 143.

38 Brown *vs.* White Deer Township, 27 Pa. 109; Willard *vs.* Parker, 1 Rawle 448.

39 Carney *vs.* Wheatfield Township, 4 W. & S. 215.

40 Barrett *vs.* Plymouth Twp., 13 Montg. Co. 46.

41 Act March 23, 1877, P. L. 20, 1 P. & L. Dig. 1000.

The taxpayer cannot therefore intervene by writ of *certiorari* in proceedings in the court of quarter sessions, under the Act of March 31, 1864, providing for a mandamus to collect a special tax.[42]

Mandamus.

242 By the Act of June 8, 1893,[43] the courts of common pleas of the respective counties are given the power to issue writs of mandamus to all township officers within the county, and to corporations having their principal place of business within such county, or having its property in whole or in part within the county.[44] This legislation is not intended to substitute the writ of mandamus for the ordinary proceedings and trial.[45] And it will not be granted where there is an adequate legal remedy.[46] Suit should first be brought to recover a judgment against the township before the writ of mandamus is resorted to for the collection of the amount due.[47] The provisions of the act of April 15, 1834,[48] relating to suits against townships are not affected by the power given to levy a special tax under the act of March 31, 1864.[49]

Mandamus, Continued.

243. It may be granted to compel the supervisors to repair

42 Lehigh Coal and Navigation Company's Appeal, 112 Pa. 360. The same principle in the case of a borough is recognized in Hower's Ap., 127 Pa. 134.

43 Act June 8, 1893, P. L. 345, 2 P. & L. Dig. 2857. This act supplanted the Act of June 14, 1836, P. L. 621, and was subsequently amended, as to its first section by the Act of April 28, 1899, P. L. 884, 4 P. & L. Dig. 1145, and the Act of March 19, 1903, P. L. 32.

44 The latter provision was supplied by the Act of March 19, 1903. Prior to that legislation, the writ of mandamus could not be granted where the chief place of business was not within the county. Whitemarsh Twp. *vs.* Philadelphia, Germantown and Norristown R. Co., 8 W. & S. 365; Commonwealth *vs.* Penna. R. R., 11 Montg. Co. 52.

45 Commonwealth *vs.* Philadelphia, 176 Pa. 588.

46 Commonwealth *vs.* Colley Township Supervisors, 29 Pa. 121.

47 Commonwealth *vs.* Thompson, 86 Pa. 442.

48 Act April 15, 1834, P. L. 537, Sec. 5, 1 P. & L. Dig. 998.

49 Act March 31, 1864, P. L. 162; Marcy Twp. Indebtedness, 9 Kulp 424.

the roads.[50] Or to compel a railroad to construct a highway necessary for public accommodation.[51] Or to compel the widening of a bridge erected by a railroad.[52] Or to enforce compliance with an order for removal issued to the township overseers.[53] Or to compel the erection of a foot log, where the duty has been ascertained.[54] But it will not be granted to compel the countersigning of bonds by auditors where no such duty is imposed by statute.[55]

Nor will it be granted to compel the levying of a tax for the payment of bounties to soldiers, under the Act of April 14, 1864,[56] and the Act of August 22, 1864,[57] since such payment is discretionary.[58] But it will be to compel the levying of a special tax under the Act of March 31, 1864, where the indebtedness of the township has been ascertained.[59] In such case the court must first ascertain the necessary facts.[60] The order directing the levying of the special tax will not be revoked after it has been executed, where the objection raised could have been made at the time.[61]

Writs of mandamus may be issued to compel the tax collector

50 Commonwealth *vs.* Doylestown Supervisors, 16 Pa. C. C. 161.

51 Whitemarsh Township *vs.* Phila., Germantown and Norristown R. Co., 8 W. & S. 365.

52 Commonwealth *vs.* Penna. R. R., 11 Montg. 52.

53 Porter Township Overseers *vs.* Jersey Shore Overseers, 82 Pa. 275.

54 Billman *vs.* Carroll Twp. Supervisors, 1 Pa. C. C. 129. In Garman *vs.* Carroll Twp., 1 D. R. 530, it was said that the remedy in such case was by indictment, since the erection was discretionary with the supervisors. And the same was held in case of a bridge in Commonwealth *vs.* Killinger, 1 Pearson 257.

55 Commonwealth *vs.* Upper Darby Township Auditors, 5 Del. Co. 22.

56 Act April 14, 1864, P. L. 420, Sec. 1, 1 P. & L. Dig. 435.

57 Act August 22, 1864, P. L. 980, Sec. 1, 1 P. & L. Dig. 435.

58 Keasy *vs.* Bricker, 60 Pa. 9; Jefferson Township School Directors, 1 Pearson 252.

59 Lehigh Coal and Navigation Co.'s Ap., 112 Pa. 360; Brown *vs.* Rush Township No. 1, 5 D. R. 517, s. c. 18 Pa. C. C. 394; Brown *vs.* Rush Township No. 2, 5 D. R. 518, s. c. 18 Pa. C. C. 397; *In re* Indebtedness of Marcy Township, 10 Kulp 43.

60 Wilkes-Barre Township Indebtedness, 4 Kulp 83.

61 Tax in Cass Twp., 2 Leg. Rec. Report 227.

to collect the taxes,[62] Or to compel the tax collector to pay over the amount collected to the treasurer.[63] Or to compel the supervisors to pay over money collected to the township treasurer.[64] Or to compel the proper officers to furnish the duplicates to the tax collector.[65] Or to compel the county treasurer to pay money in his hands upon a judgment.[66] Or to pay over liquor license fees.[67] Or to compel the township treasurer to pay out the moneys received by virtue of a special tax; but he will not be compelled to pay interest from the date of the decree fixing the indebtedness.[68] Or to compel the supervisors to pay for a road scraper.[69] Or to pay an order drawn upon them by justices of the peace by virtue of a provision of a special Act of Assembly.[70] But a tax collector will not be directed to pay an order drawn upon the township treasurer, since such is not his duty, though there be no treasurer.[71]

Mandamus, Continued.

244. If the term of office of the person to whom the writ is directed expires before compliance with the order an *alias* writ should be issued to his successor.[72] From the decree of the court an appeal may be taken, but only from a final decree.[73] A taxpayer does not have the right to intervene in such appeal where the mandamus was to compel the levying of a special tax under the Act of March 31, 1864,[74] since such right is given

62 Somerville *vs.* Gallaher, 13 Pa. C. C. 666.

63 Commonwealth *vs.* O'Day, 6 Kulp 167; Commonwealth *vs.* Thompson, 2 Foster 394.

64 Commonwealth *vs.* Norton, 3 Kulp 231.

65 Commonwealth *vs.* Bitting, 2 Pa. C. C. 298; Commonwealth *vs.* Philadelphia Commissioners, 2 Parsons 220.

66 Commonwealth *vs.* Thompson, 86 Pa. 442.

67 Kennedy *vs.* Scranton, 4 Lack. J. 357.

68 Shea *vs.* Plains Twp., 7 Kulp 554.

69 Scraper Co. *vs.* Pine Township Supervisors, 4 D. R. 501.

70 Commonwealth *vs.* Johnson, 2 Binney 275.

71 Hoover *vs.* Reap, 14 York 62.

72 Bonner *vs.* Foster Twp., 10 Pa. C. C. 477, s. c. 6 Kulp 328.

73 Supervisors of Saucon Township *vs.* Broadhead, 9 Atl. 63.

74 Act March 31, 1864, P. L. 162, 2 P. & L. Dig. 4602.

under the Act of March 23, 1877,[75] only in proceedings in the court of common pleas.[76]

Execution.

245. If a judgment is obtained against the township, the court in which such judgment is obtained, or to which it is removed by transcript, may issue a writ commanding the officers to pay the same with the interest and costs out of unappropriated moneys, or if there be no such moneys, out of the first money that shall be received for the use of the township. Obedience to the writ may be enforced by the attachment.[77] There is no power in a justice of the peace to issue an execution upon the judgment and attach money in the hands of a taxpayer. All proceedings in such case, subsequent to the entry of the original judgment will be set aside.[78] If a judgment is recovered, the township has no right to a stay of execution.[79]

75 Act March 23, 1877, P. L. 20, 1 P. & L. Dig. 1000.
76 Lehigh Coal & Navigation Co.'s Appeal, 112 Pa. 360.
77 Act April 15, 1834, P. L. 537, Secs. 6, 7, 1 P. & L. Dig. 998-9.
78 Hilbert *vs.* North Codorus Twp., 14 York 21.
79 Morgan *vs.* Moyamensing Township, 2 Miles 397.

CHAPTER XXV.

NEGLIGENCE.

SECTION
246. Liability of township for negligence.
247. Liability, continued.
248. Guards.
249. Bridges.
250. Liability where third parties are negligent.
251. Evidence of negligence.
252. Sidewalks.
253. Notice.

Liability of Townships for Negligence.

246. The township is liable to persons who may suffer from the neglect of the supervisors to keep the roads and bridges in proper condition and repair.[1] The negligence for which the township may be responsible to one injured by it, may for convenience, be divided into three classes: (1) Negligence in the prosecution of its own improvements; (2) negligence in not removing or preventing dangers put by nature upon its highway; and (3) negligence in not removing dangers put thereon by the acts of individuals.

The topographical features, population and taxable ability of the township necessarily governs the original construction of the highway.[2] Though the road as originally laid out may suffice, yet where the travel greatly increases, the duty of vigilance on the part of the township authorities rises with the increased travel upon the road.[3] Streets and sidewalks in the built-up portions of towns or cities must be kept in a safe condition over their entire width. "But this has never been held to be a rule as regards country roads. They are seldom, if ever,

1 Dean *vs.* New Milford Twp., 5 W. & S. 545.
2 Perry Twp. *vs.* John, 79 Pa. 412.
3 Davis *vs.* Snyder Twp., 196 Pa. 273.

kept repaired from side to side. A sufficient portion of the middle only is kept in a smooth condition, and safe and convenient for travel. The rest is often left dangerous by reason of ditches and obstructions of various kinds." [4]

This duty of repairing the highway exists though the road has never been opened by order of court, but has been kept in repair by the supervisors.[5] And this is true where the road is not ordinarily used beyond a certain point, but has not been vacated.[6] The duty to repair exists in the case of a road substituted by a railroad company.[7] And the same is true of a bridge built as a substitute for the road.[8] If a part of the highway be taken by the railroad and the remaining portion becomes dangerous, and is not repaired, the township is liable for the injury resulting.[9] If the road be occupied, pending a relocation, the municipal authorities must erect barriers to notify others not to use the same, or liability will attach.[10] The right to secure indemnification from the railroad company does not relieve the township of its liability.[11]

The fact that the supervisors are personally liable does not relieve the municipality.[12] Nor is it material that the repairing of the roads has been let by contract as provided by a local Act of Assembly.[13]

4 Paxton, J., in Monongahela City *vs.* Fischer, 111 Pa. 13: "If there is a country road in Pennsylvania where a man groping about in the darkness of the night without a staff or light, may not be injured, I do not know of it. There are ditches, bridges, rocks, stumps and other elements of danger outside of the travelled portion. The rule applicable to paved streets in cities has never been applied to country roads, and cannot be without serious injustice to the rural portions of the State."

5 Township of Lower Windsor *vs.* Gemmill, 16 W. N. C. 265.

6 Bishop *vs.* Schuylkill Township, 20 W. N. C. 105.

7 Dalton *vs.* Upper Tyrone Township, 137 Pa. 18.

8 Newlin Twp. *vs.* Davis, 77 Pa. 317.

9 Aston Township *vs.* McClure, 102 Pa. 322.

10 Snyder *vs.* Penn Twp., 14 Pa. Sup. 145.

11 Aston Twp. *vs.* Chester Creek R. R. Co., 2 Del. Co. 9.

12 Dean *vs.* New Milford Township, 5 W. & S. 545.

13 Mahanoy Twp. *vs.* Scholly, 84 Pa. 136; Munnell *vs.* Peters & N. S. Twps., 22 P. L. J., O. S. 78.

Liability.—Continued.

247. The township is not an insurer against latent defects, but the supervisors are bound to make a reasonable inspection to discover such.[14] Thus where the injury occurs from the natural decay of a bridge, no reasonable effort having been made to discover the same, the township is liable.[15] A recovery may be had where the injury occurred from the falling into a hole excavated by miners and not guarded against.[16] Or where the injury occurred by reason of a hole in a bridge.[17] Or where the approach to the bridge is filled with loose dirt so as to cause injury when stepped upon by a horse.[18] The obstruction of a stream, not merely the result of an error of judgment, raises liability.[19] And the same is true where the injury results from the negligent allowance of a snow drift upon the highway.[20] But no recovery can be had where reasonable diligence in removing the snow has been used.[21] Injury resulting from negligent permissive accumulation of ice may be recovered for from the municipality.[22] So it is negligent to permit a rut on a hillside which causes the overturning of a wagon.[23] But though a wagon is found with the wheels in a rut, no recovery can be had for the death of the driver, when it does not appear how the accident occurred, and the evidence shows the road to have been freely traveled with no other injury resulting.[24] Liability may exist where the injury resulted from a mud hole, but it must appear that such was the proximate cause of the loss. So if the harm comes from the choking of

14 Rapho Twp. *vs.* Moore, 68 Pa. 404.
15 Whitmire *vs.* Muncy Creek Twp., 17 Pa. Sup. 399; Rapho Twp. *vs.* Moore, 68 Pa. 404.
16 Lower Macungie Twp. *vs.* Merkhoffer, 71 Pa. 276.
17 Heisey *vs.* Rapho Twp., 181 Pa. 561.
18 Hager *vs.* Wharton Twp., 200 Pa. 281.
19 Shieb *vs.* Collier Twp., 11 Atl. 366.
20 Wright *vs.* Lehman Twp., 19 Pa. Sup. 653.
21 Lynn *vs.* Ralpho Twp., 186 Pa. 420.
22 Fry *vs.* Perkiomen Twp., 1 Montg. Co. 31.
23 Sutter *vs.* Young Twp., 130 Pa. 72.
24 Stringert *vs.* Ross Township, 179, Pa. 614.

a horse in pulling a wagon from such a hole, no recovery can be had.[25] For the same reason no recovery can be had where a wagon was dragged into a hole, the horse having taken fright at an outside object.[26]

Though the road be in a bad condition, if such is the result of the weather and nature of the soil, and is not due to the failure to make repairs, no recovery can be had.[27] The negligent permitting of a stone heap to remain in the highway, causing an accident, gives a right of action, but if such was not the proximate cause of the loss, the contrary is true.[28] Or where a tree though standing in the highway is not the cause of the damage.[29] A failure to provide a passage of sufficient width at a curve upon a hill is evidence of neglect.[30] The municipality is bound to foresee that the ordinary horse may be frightened.[31] But it is not bound to provide a road for exceptionally vicious animals.[32] The highway must be kept in such repair that skittish animals can be used.[33] In Trexler *vs.* Greenwich Township,[34] it is stated that the rule that the highway must be kept in such repairs that skittish animals can be employed without risk is to be qualified. "The duty is to make provision against such dangers as are probable in the use of ordinarily manageable horses and not in the use of untrained and uncontrollable horses. This duty is performed when the roads are maintained in a reasonably safe condition for the ordinary public travel."

25 Chartiers Twp. *vs.* Phillips, 122 Pa. 601.
26 Schaeffer *vs.* Jackson Twp., 150 Pa. 145.
27 Brendlinger *vs.* New Hanover Twp., 148 Pa. 93.
28 Jackson Twp. *vs.* Wagner, 127 Pa. 184.
29 Worrilow *vs.* Upper Chichester Twp., 149, Pa. 40.
30 Menges *vs.* Muncy Creek Twp., 1 Penny 179.
31 Boone *vs.* East Norwegian Twp., 192 Pa. 206; Yoders *vs.* Amwell Twp., 172 Pa. 447.
32 Bitting *vs.* Maxatawny Twp., 177 Pa. 213.
33 Lower Macungie Twp. *vs.* Merkhoffer, 71 Pa. 276 ;Dixon *vs.* Butler Twp., 4 Pa. Sup. 333.
34 Trexler *vs.* Greenwich Twp., 168 Pa. 214.

Guards.

248. If a public road through a township is so dangerous, by reason of the proximity to a precipice, that common prudence requires precaution in order to secure safety to travelers, the township is bound to use such precaution, and the omission to do so is negligence. It is immaterial that the township is not given the power to tax itself for road purposes beyond one per cent. on the county valuation.[35] And barriers must be erected to protect the public from defects resulting from the repairs of the road.[36] It must protect the highway from a canal.[37] And from a railroad.[38] And shut off an unsafe and dangerous road, taken by a railroad company under legal authority, pending relocation.[39] It is no excuse for the failure to erect barriers that such action would interfere with a log-way used by the public.[40] Though guards have been erected, the duty of the municipality is not performed, unless the same are kept in repair.[41] Whether the township has been negligent in failing to erect such barriers is a question of fact for the jury.[42] And if a sufficiently wide and level road is provided, a recovery cannot be had for the injury sustained from the falling over the bank, though the presence of a guard at such a point might have reduced the amount of injury.[43]

If the municipality is negligent in failing to provide the proper barriers a recovery can be had, though the injury was caused by the combined negligence of the township and of a third person. So where a horse, frightened by a steam thresher, standing by the road, jumps over an unguarded de-

35 Scott Twp. *vs.* Montgomery, 95 Pa. 444.
36 Millcreek Twp. *vs.* Perry, 20 W. N. C. 359.
37 Lower Windsor Twp. *vs.* Gemmill, 16 W. N. C. 265.
38 Ewing *vs.* North Versailles, 146 Pa. 309.
39 Snyder *vs.* Penn Twp., 14 Pa. Sup. 145.
40 Kelley *vs.* Mayberry Twp., 154 Pa. 440.
41 Aston Twp. *vs.* McClure, 102 Pa. 322.
42 Glaub *vs.* Goshen Township, 7 Kulp 292.
43 Heister *vs.* Fawn Twp., 189 Pa. 253; Bishop *vs.* Schuylkill Twp., 20 W. N. C. 105.

clivity, a recovery may be had.[44] Or where the horse shied at a sewer pipe placed by a contractor at the side of a road, and as a result backed the team over the unguarded embankment.[45] But it must appear that the negligence was the proximate cause of the injury, as it does where the fright of the horse was caused by a splash in the stream at the base of the declivity, causing its fright and the consequent backing over the bank.[46] But if the fright was the result of the breaking of the wagon, the cause is too remote.[47] So it must appear that the plaintiff was free from contributory negligence. Thus the plaintiff could not recover where a horse, which he was leading by a strap around his body, fell over the bank, pulling him from his buggy, and causing the injury.[48] On the same principle, the plaintiff, found by the jury to be intoxicated at the time of the accident cannot recover.[49] But it is not negligence *per se* to drive on a road known to be unguarded.[50]

The municipality is also under the obligation to guard the public road from mine holes.[51] But no recovery could be had in such case where the road was of sufficient width, and the hole was not in the traveled way.[52] And it is for the jury to say whether the plaintiff was guilty of contributory negligence, where the plaintiff fell into a mine hole which was unguarded, but not in the traveled portion of the road, while he was walking in the dark without a lamp.[53] But it is no defense to the township that the accident might have been avoided at the place in question by careful driving, since the road must be kept in

44 Burrell Twp. *vs.* Uncapher, 117 Pa. 353.
45 Davis *vs.* Snyder Twp., 196 Pa. 273.
46 Closser *vs.* Washington Twp., 11 Pa. Sup. 112.
47 Card *vs.* Columbia Twp., 191 Pa. 254.
48 Bailey *vs.* Brown Twp., 190 Pa. 530.
49 Hershey *vs.* Commissioners of Mill Creek Twp., 9 Atl. 452.
50 Wilson *vs.* O'Hara Twp., 14 Pa. Sup. 258.
51 Hogan *vs.* West Mahanoy Twp., 174 Pa. 352; Ammerman *vs.* Coal Twp., 187 Pa. 326; Lower Macungie Twp. *vs.* Merkhoffer, 71 Pa. 276.
52 Ammerman *vs.* Coal Twp., 187 Pa. 326.
53 Hogan *vs.* West Mahanoy Twp., 174 Pa. 352.

such repair that skittish animals may be employed without risk or danger on it, by reason of the condition of the road.[54] A municipality must also protect by a guard an embankment erected in the construction of a culvert under the highway.[55]

Bridges.

249. The township is liable for injuries resulting from the negligent construction or care of the township bridges, unless that duty has been shifted by the Act of April 13, 1843, to the county. Where that legislation applies the latter must repair the bridge, as well as the approaches. And the fact that the supervisors of the township have made certain repairs is immaterial.[56] Where a joint township bridge has been erected, and it has been agreed that each municipality shall maintain a certain portion of it, each will be liable for injuries resulting from negligence in the care of the part belonging to it.[57] In the construction of a bridge by the township, and the care of it, its length, width, the nature of the approaches, the amount of the travel, and all of the surrounding circumstances must be considered.[58] The approaches to the bridge must be kept in a reasonably safe condition. So where a horse was injured by stepping into a depression at the end of the bridge, filled with loose dirt, and is thus injured, a recovery can be had.[59] Where the circumstances require the erection of a guard rail in order to make the bridge reasonably safe, the supervisors must erect it, or the township will be responsible for the injuries resulting from their negligence.[60] Whether or not the failure to erect the barrier is negligence, is a question of fact for the jury.[61] And the same duty exists in the case of the abutments

54 Lower Macungie Twp. *vs.* Merkhoffer, 71 Pa. 276.
55 Hitchcock *vs.* Amity Twp., 200 Pa. 247.
56 Francis *vs.* Franklin Twp., 179 Pa. 195.
57 Sheridan *vs.* Palmyra Township, 180 Pa. 439.
58 Finnegan *vs.* Foster Twp., 163 Pa. 135.
59 Hager *vs.* Wharton Twp., 200 Pa. 281.
60 Finnegan *vs.* Foster Twp., 163 Pa. 135.
61 Mechesney *vs.* Unity Twp., 164 Pa. 358; Worley *vs.* Dover Twp., 7 York 160.

to the bridge.[62] Since the fright of a horse is an ordinary circumstance, which is to be foreseen, a recovery may be had where the bridge has been negligently left unguarded and an accident from such cause follows.[63] Or where the horse backs from the bridge.[64] The floor of the bridge must also be kept in reasonably safe condition, and it is for the jury to say whether the leaving of the planks unspiked is negligence.[65] And a recovery may be had where the horse is injured by reason of a depression at the edge of the bridge, not properly protected.[66] Or where the planks have become warped or dangerous.[67] Though the township is not liable, where the injury results from latent defects, yet it is reasonable to expect that timbers will decay, and a proper examination to determine this fact must be made in order to relieve the municipality where an accident results.[68] Where the bridge is closed for repairs, the party who tests the safety of it by crossing, or who drives through the stream, no road having been opened at such place by the township, cannot recover, he being guilty of contributory negligence.[69]

Liability Where Third Parties Are Negligent.

250. Acts of individuals may put the highway into a condition of perilousness, and after notice, express or constructive, the municipality must correct this condition within a reasonable times. Thus, if the accident occurred by striking an ash

62 Dalton *vs.* Upper Tyrone Twp., 137 Pa. 18; Corbalis *vs.* Newberry Twp., 132 Pa. 9.

63 Boone *vs.* East Norwegian Twp., 192 Pa. 206; Wilson *vs.* O'Hara Twp., 14 Pa. Sup. 258; Worley *vs.* Dover Twp., 7 York 160.

64 Yoders *vs.* Amwell Twp., 172 Pa. 447; Cage *vs.* Franklin Twp., 11 Pa. Sup. 533.

65 Zimmerman *vs.* Conemaugh Twp., 2 Cent. 361, s. c. 5 Atl. 45.

66 Hager *vs.* Wharton Twp., 200 Pa. 281.

67 Kingston Twp. *vs.* Gibbons, 18 W. N. C. 334, s. c. 6 Atl. 115.

68 Rapho Twp. *vs.* Moore, 68 Pa. 404; Ford *vs.* Roulet Twp., 9 Pa. Sup 643.

69 Crescent Twp. *vs.* Anderson, 114 Pa. 643.

heap negligently left upon the highway, recovery may be had.[70] Or where a contractor under the direction of a supervisor placed materials upon the road.[71] Or a recovery may be had where the horse shied at a sewerpipe placed by the side of the road, as a result of which injury occurred.[72] Or under similar circumstances, where the obstruction was a pile of lumber.[73] Or a boiler left upon an untraveled part of the road.[74] Or a steam thresher.[75] Or a derrick operated in a quarry by the side of the road.[76] But no recovery can be had where there was no actual or constructive notice to the township.[77] Nor will the township be liable for an injury resulting to the owner of a horse who alighted from his buggy because of the fear that a log might jump from a log slide erected on adjoining land, and who would not have been injured had he remained in the vehicle. There is no power in such case vested in the supervisors to destroy, remove or prevent the use of such structure erected for the prosecution of legitimate business.[78] It is the duty of the township to prevent the use of a road taken by a railroad pending re-location, by the erection of a barrier, and if it fails to do so, and injury occurs, a recovery may be had.[79] So it is bound to protect frightened horses from a railroad parallel with the highway.[80] But it is error to leave to the jury the question of negligence of the township based upon the assumption that a grade crossing was dangerous, and that the

70 West Mahanoy Twp. *vs.* Watson, 116 Pa. 344; West Mahanoy *vs.* Watson, 112 Pa. 574.

71 Hedricks *vs.* Schuylkill Twp., 16 Pa. Sup. 508.

72 Davis *vs.* Snyder Twp., 196 Pa. 273.

73 North Manheim Twp. *vs.* Arnold, 119 Pa. 380.

74 Ide *vs.* Lake Twp., 191 Pa. 182.

75 Burrell Twp. *vs.* Uncapher, 117 Pa. 353.

76 Kitchen *vs.* Union Twp., 171 Pa. 145.

77 Allen *vs.* East Buffalo Twp., 22 Pa. C. C., 346. Here the abutting owner failed for six days to fill in an excavation made for a gas pipe.

78 Haines *vs.* Barclay Twp., 181 Pa. 521.

79 Snyder *vs.* Penn Township, 14 Pa. Sup. 145.

80 Plymouth Twp. *vs.* Graver, 125 Pa. 24.

municipality is by law required to provide means of wholly avoiding such danger.[81]

Evidence of Negligence.

251. The burden is upon the plaintiff to prove the negligence of the defendant. If there be no evidence of a defect, or that such caused the injury, no recovery can be had.[82] The negligence on the part of the municipality in failing to keep its highway in repair may be shown by circumstantial evidence.[83] It is proper to show by plans or photographs the condition of the highway.[84] Though the photographs have been taken after changes have been made in the road.[85] Before such are admitted in evidence preliminary proof as to the care in the taking of them should be offered.[86] Where plans or photographs are in evidence, it is error to permit witnesses to give their opinion as to the safety of the road.[87] Subsequent alterations made by the township after the accident may be proven.[88] But such repairs must not be too remote in time, or they cannot be shown. Thus it is too late to prove a change made a month after the accident.[89] The proof should conform to the allegation made in the statement, but the variance was not fatal, where the accident was alleged to have occurred upon a road leading from E to M, the proof showing that it did not occur between those points, it appearing that the defendant was not misled.[90]

81 Dixon *vs.* Township of Butler, 4 Pa. Sup. 333.

82 Tompsett *vs.* Glade Twp., 198 Pa. 376; Stringert *vs.* Ross Township, 179 Pa. 614; Ohl *vs.* Bethlehem Twp. No. 1, 199 Pa. 588; Ohl *vs.* Bethlehem Twp. No. 2, 199 Pa. 590.

83 Rockefeller Twp. *vs.* Rhodes, 4 Walker 410.

84 Closser *vs.* Washington Twp., 11 Pa. Sup. 112.

85 Beardslee *vs.* Columbia Twp., 188 Pa. 496.

86 Beardslee *vs.* Columbia Twp., 188 Pa. 496.

87 Beardslee *vs.* Columbia Twp., 188 Pa. 496; Closser *vs.* Washington Twp., 11 Pa. Sup. 112; Platz *vs.* McKean Township, 178 Pa. 601.

88 Card *vs.* Columbia Twp., 191 Pa. 254.

89 Hager *vs.* Wharton Twp., 200 Pa. 281.

90 Platz *vs.* McKean Twp., 178 Pa. 601.

Sidewalks.

252. Since there is no statutory obligation upon the township to build sidewalks, or to keep the same in repair, no liability attaches for injury resulting from their use. Even though a local Act of Assembly provides for the construction of such, the cost to be deducted from the road taxes, a recovery cannot be had from the municipality. This is true though the work is done by a supervisor, for in so acting he is merely the agent of the owner of the land.[91] Even if any liability existed, no recovery could be had where the plaintiff cannot show that the injury was occasioned by reason of the defect.[92] A turnpike company which permits a sidewalk in the township to be built along its roadway must keep the same in reasonable repair or remove it. If it fails a recovery may be had against it.[93]

Notice.

253. The township is liable for obstructions placed upon the highway by others, if it has actual notice or constructive notice. Information obtained by the supervisor is notice to the township, since he is an officer or agent of it charged with the care of its highways.[94] This notice may be shown by proving that similar obstructions had been placed there before.[95] Or that the actual impediment was known of for a reasonable period.[96] If the defect could have been discovered by the use of reasonable diligence, it will be imputed to the township. Thus, it is reasonable to expect that the timber of a bridge will decay, and a proper examination must be made to detect this fact.[97]

91 Langdon *vs.* Chartiers Township, 131 Pa. 77; Chartiers Township *vs.* Langdon, 114 Pa. 541. NOTE:—For sidewalks in townships of the first class, see the Acts of April 28, 1899, P. L. 104, Secs. 7, 12, 4 P. & L. Dig. 917, 923, and April 23, 1903, P. L. 265.

92 Tompsett *vs.* Glade Twp., 198 Pa. 376.

93 Chartiers & R. Turnpike Road Co. *vs.* Nester, 7 Atl. 162.

94 Platz *vs.* McKean Township, 178 Pa. 601.

95 North Manheim Township *vs.* Arnold, 119 Pa. 380.

96 Ide *vs.* Lake Twp., 191 Pa. 182; Heisey *vs.* Rapho Twp., 181 Pa. 561.

97 Rapho Twp. *vs.* Moore, 68 Pa. 404; Ford *vs.* Roulet Twp., 9 Pa. Sup. 643; Whitmire *vs.* Muncy Creek Twp., 17 Pa. Sup. 399; Smith *vs.* Muncy Creek Twp., 206 Pa. 7.

But the defect must have existed for a sufficient length of time so that by the exercise of reasonable care and diligence the supervisors could have learned of it. Thus constructive notice will not be presumed where there has been a failure to close a ditch made by the owner of an abutting property six days before the accident occurred.[98]

98 Allen *vs.* East Buffalo Twp., 22 Pa. C. C. 346.

CHAPTER XXVI.

NEGLIGENCE.—CONTINUED.

SECTION
254. Injury the natural consequence.
255. Contributory negligence.
256. Contributory negligence, continued.
257. Imputation of contributory negligence.
258. Jurisdiction of actions for negligence.
259. Parties to actions.
260. Damages.
261. Functions of court and jury.

Injury the Natural Consequence.

254. The negligence of the township in respect to the highway or otherwise, is not a ground of liability for damages until injury arises to someone, nor unless this injury is caused by the negligence. To determine whether the negligent act was the proximate cause of the injury, the rule is that the injury must have been the natural and probable consequence of the negligence; such a consequence as under the circumstances of the case, might and ought to have been foreseen by the defendant as likely to flow from his act.[1] Thus the fact that an accident happens near a large tree, improperly allowed to stand in the road, or near a deep mud hole, but to which neither tree nor mud hole in any manner contributed, will not make the township liable.[2] And no liability will attach to the township where by reason of the breaking of the wagon the horse ran away and overturned it upon a stone heap.[3] Or threw the traveler over an unguarded embankment.[4] Or fell into an unguarded

1 West Mahanoy Twp. *vs.* Watson, 116 Pa. 344.
2 Chartiers Twp. *vs.* Phillips, 122 Pa. 601.
3 Jackson Twp. *vs.* Wagner, 127 Pa. 184.
4 Card *vs.* Columbia Twp., 191 Pa. 254.

quarry pit.[5] And the failure to guard an embankment, over which the plaintiff is thrown, is not the proximate cause of the injury where the plaintiff was pulled from his carriage by a horse which he was leading by a strap.[6] Or where the injury occurred because of imperfection in the harness, causing the choking of the horse in the pulling of the load through a mud hole.[7] Nor is there any liability where the injury is the result of an extraordinary accident.[8] Or where a horse is killed by reason of running upon a railroad track unguarded by barriers, as the result of the overturning of a sleigh.[9] The municipality is bound to foresee that the fright of horses is an ordinary circumstance, and where injury occurs by reason of the backing of the horse from an unguarded bridge a recovery can be had.[10] But where the fright is the result of an outside cause, which could not have been foreseen, such as scaring at cattle, no recovery can be had.[11] And though the tendency to take fright is common, such is not true of balking or backing, and where the horse does back across a space of seventy feet, and over an unguarded wall of a bridge, no recovery can be had.[12] But the injury resulting from the backing over an unguarded embankment may be recovered for, though the fright was caused by a splash in the stream at the bottom of the bank.[13]

5 Habecker *vs.* Lancaster Twp., 9 Pa. Sup. 553.

6 Bailey *vs.* Brown Twp., 190 Pa. 530.

7 Chartiers Twp. *vs.* Phillips, 122 Pa. 601.

8 Bishop *vs.* Schuylkill Twp., 20 W. N. C. 105; Dixon *vs.* Butler Twp, 4 Pa. Sup. 333.

9 West Mahanoy Twp. *vs.* Watson, 116 Pa. 344; West Mahanoy Twp. *vs.* Watson, 112 Pa. 574.

10 Yoders *vs.* Amwell Twp., 172 Pa. 447; Boone *vs.* East Norwegian Twp., 192 Pa. 206.

11 Worrilow *vs.* Upper Chichester Twp., 149 Pa. 40; Heister *vs.* Fawn Twp., 189 Pa. 253; Schaeffer *vs.* Jackson Twp., 150 Pa. 145.

12 Cage *vs.* Franklin Twp., 11 Pa. Sup. 533.

13 Closser *vs.* Washington Twp., 11 Pa. Sup. 112.

Contributory Negligence.

255. It is a general principle that there can be no recovery of damages by one who has suffered a hurt from negligence of another, whether it be an individual or a corporation, a municipality or municipal corporation, if the plaintiff has by his own negligence contributed to the hurt; that is, if the hurt would not have occurred, although the defendant was negligent, but for the concurrent negligence of the plaintiff.[14] And this contributory negligence relieves from liability though the defendant was also negligent.[15] It is not the degree of negligence, but its presence, which cuts off the right to recover.[16] The plaintiff is not required to disprove contributory negligence, but only to make out a case clear of it. Unless therefore his negligence appear affirmatively, he is entitled to go to the jury on the general presumption against it.[17] Where the facts are uncontested, or the inference of negligence is the only one which can be drawn, the court must pronounce the result as a matter of law. But where the facts are in dispute, or the inferences to be drawn from them are open to debate, the question is for the jury.[18] And in considering the question the plaintiff is entitled to every right inference of fact that the jury might draw from the evidence, and every relevant fact which the testimony tends to establish is to be treated as admitted by the defendant in determining whether a compulsory non-suit should be entered. If the plaintiff's testimony tends to make out a *prima facie* case, it is error to enter such judgment.[19]

14 Brendlinger *vs.* Twp. of New Hanover, 148 Pa. 93; Fry *vs.* Perkiomen Twp., 1 Montg. 31.

15 Chartiers Twp. *vs.* Phillips, 122 Pa. 601.

16 Walters *vs.* Wayne Twp., 16 Pa. C. C. 613.

17 Allen *vs.* Warwick Twp., 9 Pa. Sup. 507; Worrilow *vs.* Upper Chichester Twp., 149 Pa. 40.

18 Allen *vs.* Warwick Twp., 9 Pa. Sup. 507; Mechesney *vs.* Unity Twp., 164 Pa. 358; Hill *vs.* Tionesta Twp., 146 Pa. 11.

19 Corbalis *vs.* Twp. of Newberry, 132 Pa 9

Contributory Negligence, Continued.

256. It is not contributory negligence to use upon the highways skittish horses.[20] But there is no duty on the part of the township to provide for vicious or untrained animals, and it is contributory negligence to use such.[21] If the danger was known by the plaintiff, and was voluntarily tested by him, no recovery can be had.[22] But mere knowledge of the defect will not necessarily defeat a recovery where the plaintiff took proper care and used due caution.[23] If the plaintiff could have traveled by a safer road and voluntarily chose the more dangerous, he is guilty of contributory negligence.[24] But if the evidence is conflicting as to which of the highways is safer, the question is for the jury.[25] So the plaintiff cannot recover, if he could have avoided the danger by passing on the opposite side of the road.[26] But even in such case, the question is for the jury, where the plaintiff uses due caution in passing the obstruction.[27] So if the road is known to be dangerous, and that danger is voluntarily tested, no recovery can be had.[28] But the knowledge of the husband cannot be imputed to his wife.[29] Though the defect was known, the township is liable, unless the danger of passing was so apparent, that in the use of ordinary care it ought not to have been undertaken.[30]

20 Lower Macungie Twp. *vs.* Merkhoffer, 71 Pa. 276; Dixon *vs.* Butler Twp., 4 Pa. Sup. 333.

21 Trexler *vs.* Greenwich Twp., 168 Pa. 214; Bitting *vs.* Maxatawny Twp., 177 Pa. 213.

22 Winner *vs.* Oakland Twp., 158 Pa. 405.

23 Millcreek Twp. *vs.* Perry, 20 W. N. C. 359; Wilson *vs.* O'Hara Twp., 14 Pa. Sup. 258.

24 Forks Twp. *vs.* King, 84 Pa. 230; Hill *vs.* Tionesta Twp., 146 Pa. 11; Glaub *vs.* Goshen Twp., 7 Kulp 292.

25 Ide *vs.* Lake Twp., 191 Pa. 182; Mechesney *vs.* Unity Twp., 164 Pa. 358.

26 Brendlinger *vs.* New Hanover Twp., 148 Pa. 93.

27 Wright *vs.* Lehman Twp., 19 Pa. Sup. 653.

28 Winner *vs.* Oakland Twp., 158 Pa. 405; Walters *vs.* Wayne Twp., 16 Pa. C. C. 613; Snyder *vs.* Penn Twp., 14 Pa. Sup. 145.

29 Allen *vs.* Warwick Twp., 9 Pa. Sup. 507.

30 Stokes *vs.* Ralpho Twp., 187 Pa. 333.

If the general public continues to use the road or bridge, though known to be unsafe, and reasonable care is exercised, no distinct notice not to use the same having been given, the municipality is liable.[31] It is for the jury to say whether the use of a blind horse, which drew the carriage against a tree, is contributory negligence.[32] Or whether it is such to walk upon the highway without a light.[33] Or to drive upon the highway without a light.[34] Or whether proper care was used in approaching another team which the plaintiff saw.[35] Or in using a steam engine upon a bridge.[36] Or in driving a traction engine across a bridge.[37] Or whether the driving in broad daylight over a bank is such.[38] Or the driving a blind horse across a bridge, in the floor of which was a hole.[39] Or whether proper caution was taken in passing a bridge in which there was a hole, which the plaintiff had noticed upon a previous trip had been covered by a board.[40] Or whether due caution was used in crossing the plank, covering a culvert, with which the plaintiff was familiar.[41]

It is contributory negligence to gallop a horse across a bridge.[42] So it is contributory negligence to drive off the road upon an intervening space, between it and a railroad, in which there is a pit.[43] Or to walk upon the side rather than

31 Sheridan *vs.* Palmyra Twp., 180 Pa. 439; Humphreys *vs.* Armstrong Co., 56 Pa. 204.

32 Long *vs.* Milford Twp., 137 Pa. 122.

33 Hogan *vs.* West Mahanoy Twp., 174 Pa. 352.

34 Conrad *vs.* Upper Augusta Twp., 200 Pa. 337; Bitting *vs.* Maxatawny Twp., 180 Pa. 357.

35 Perry Twp. *vs.* John, 79 Pa. 412.

36 McCormick *vs.* Washington Twp., 112 Pa. 185; Whitmire *vs.* Muncy Creek Twp., 17 Pa. Sup. 399; Smith *vs.* Muncy Creek Twp., 206 Pa. 7.

37 Coulter *vs.* Pine Twp., 164 Pa. 543.

38 Hitchcock *vs.* Amity Twp., 200 Pa. 247.

39 Heisey *vs.* Rapho Twp., 181 Pa. 561.

40 Smith *vs.* Jackson Twp., 20 Pa. Sup. 337.

41 Kingston Twp. *vs.* Gibbons, 18 W. N. C., 334, s. c. 6 Atl. 115.

42 Zimmerman *vs.* Conemaugh Twp., 5 Atl. 45, s. c. 2 Cent. 361; McCormick *vs.* Washington Twp., 112 Pa. 185.

43 Ammerman *vs.* Coal Twp., 187 Pa. 326.

the middle of the road.[44] Or to permit a bicycle to strike the guard log of a bridge upon which there is no guard rail.[45] Or to allow the horse to travel at will.[46]

To ride on the top of milk cans is not negligence *per se,* but greater caution must be taken, and the question is for the jury to pass upon.[47] Or to drive on a road known to be unguarded.[48] It may be contributory negligence on the part of the plaintiff to travel at night, when he knows of the great danger and the trip could have been made as well upon the following day.[49] But it is error for the court to suggest to the jury that the plaintiff might have been guilty of contributory negligence in joining a sleighing party upon the night in question.[50] Where the plaintiff has been placed in a sudden danger by the act of another, he is not to be held responsible for an error of judgment in attempting to extricate himself. Whether he acted as would a reasonably prudent man, is for the jury.[51]

Imputation of Contributory Negligence.

257. When the plaintiff sues for an injury to another holding some special relation to him, such as wife or child, the negligence of the person injured, if it contributed to the hurt will prevent recovery. Thus the negligence of a husband killed by an accident will prevent the wife recovering.[52] So if the vehicle was driven by an agent, who is guilty of contributory negligence, no recovery can be had.[53] Or by one to whom the horse has been lent.[54] But the knowledge of a defect by a

44 Siegler *vs.* Mellinger, 203 Pa. 256.
45 Beer *vs.* Clarion Twp., 17 Pa. Sup. 537.
46 Mueller *vs.* Ross Twp., 152 Pa. 399; Hartman *vs.* Hellam Twp., 4 York 23.
47 Smith *vs.* Jackson Twp., 20 Pa. Sup. 337.
48 Wilson *vs.* O'Hara Twp., 14 Pa. Sup. 258.
49 Bailey *vs.* Brown Twp., 190 Pa. 530.
50 Templeton *vs.* Warriorsmark Twp., 200 Pa. 165.
51 Sprowls *vs.* Morris Twp., 179 Pa. 219.
52 Lancaster *vs.* Kissinger, 11 W. N. C. 151.
53 Brendlinger *vs.* New Hanover Twp., 148 Pa. 93.
54 Forks Twp. *vs.* King, 84 Pa. 230.

husband is not imputed to the wife so as to charge her with it.[55] One driving with another is not precluded from recovering because of the contributory negligence of his companion.[56] But if the plaintiff knew of the danger, and nevertheless persisted in testing it, such negligence will be imputed.[57]

Jurisdiction of Actions for Negligence.

258. Prior to the Act of 1887 it was proper to maintain action on the case to recover damages for the injury sustained by reason of the negligence of the supervisors.[58] Now the action of trespass will be proper. A justice of the peace has no jurisdiction in an action to recover for the negligence of the officers in failing to keep a highway in repair, and this defect may be taken advantage of in the appellate court after the trial of an appeal in the court of common pleas, where the question of jurisdiction was not raised.[59]

Parties to Actions.

259. The owner of the property injured by the negligence of the township can maintain an action against it. If the injuries are of the person and not of property, he who suffers those injuries has the right of action. In such cases it is not necessary that a demand be first made upon the township.[60] The action may be brought by the widow of the individual killed.[61] Or an action may be maintained in the name of the husband for the use of his wife, where the injury was to her.[62] Or the suit may be instituted by minor children through their

55 Allen *vs.* Warwick Twp., 9 Pa. Sup. 507.

56 Finnegan *vs.* Foster Twp., 163 Pa. 135.

57 Crescent Twp. *vs.* Anderson, 114 Pa. 643; Winner *vs.* Oakland, 158 Pa. 405.

58 Dean *vs.* New Milford Twp., 5 W. & S. 545.

59 Hill *vs.* Tionesta Twp., 129 Pa. 525.

60 Rockefeller Twp. *vs.* Rhodes, 4 Walker 410.

61 Worley *vs.* Dover Twp., 7 York 160; Ammerman *vs.* Coal Twp., 187 Pa. 326.

62 Burrell Twp. *vs.* Uncapher, 117 Pa. 353; Kelly *vs.* Mayberry Twp., 154 Pa. 440.

guardian.[63] The action may be brought against the township, or if the obligation does not rest upon it but upon the county, then the latter is the proper defendant.[64] The supervisors are individually responsible, but this fact does not relieve the township from liability.[65] The township may in any case secure indemnity from the third party causing the injury.[66] A joint action against the township and a street railway company to recover damages for personal injuries resulting from the bad condition of the road and the tracks, cannot be maintained where it does not appear that there was any concert of action between the two defendants. In such case the proceeding will be reversed with a venire, so that the plaintiff may elect whom to follow.[67]

Damages.

260. In estimating the damages it is proper to allow for the direct expenses incurred by the plaintiff by reason of the injury, for the privation and inconvenience he is subjected to, for the pain and suffering he has already endured bodily and mentally, and which he is likely to experience, as well as the pecuniary loss he has sustained and is likely to sustain during the remainder of his life from his disabled condition.[68] The plaintiff is also entitled to recover for the injury to his personal property, such as his horse and wagon.[69] In an action by the husband for injury to his wife, he is entitled to recover money expended, or which he has become liable to pay, for the medical care and attention bestowed upon his wife during her illness, and for the loss of her services while unable to attend to

63 Bailey *vs.* Brown Twp., 190 Pa. 530.
64 Francis *vs.* Franklin Twp., 179 Pa. 195.
65 Rockefeller Twp. *vs.* Rhodes, 4 Walker 410; North Manheim Twp. *vs.* Arnold, 119 Pa. 380.
66 Aston Twp. *vs.* Chester Creek R. R. Co., 2 Del. Co. 9.
67 Goodman *vs.* Coal Twp., 206 Pa. 621.
68 Scott Twp. *vs.* Montgomery, 95 Pa. 444.
69 Glaub *vs.* Goshen Twp., 7 Kulp 292.

her domestic duties. And in such case the term services implies whatever of aid, assistance, comfort and society the wife would be expected to render to or bestow upon her husband under the circumstances and in the condition in which they may be placed, and it is immaterial that services in the ordinary sense were not rendered at all.[70] Where death has resulted, and insurance has been paid upon the life of the deceased, no right exists on the part of the township to set off this sum.[71] But in order to prove the value of the decedent's life to his family, it is proper for the jury to consider the probable care which he would have taken for its preservation, and may offer his declaration to show that he was tired of life, and that he had been a failure as well as his family.[72]

Where a verdict has been rendered it will not be set aside because all of the elements of damages were not mentioned to the jury by the court, where no request had been made by him for such instructions.[73] And if the charge as to the measure of damages has been proper the appellate court will not reverse because of failure to exclude certain evidence, which could not have injured the defendant.[74] If the verdict rendered by the jury is excessive, a new trial may be granted, or ordered, unless there shall be a remission of the claim to such sum as the court believes proper.[75]

Functions of Court and Jury.

261. Where the facts are undisputed, and the inferences to be drawn are uncontested, the court must determine as a matter of law whether or not a recovery can be had.[76] But the extent of the injury and the negligence of the defendant is a

70 Platz *vs.* McKean Twp., 178 Pa. 601; Kelley *vs.* Mayberry Twp., 154 Pa. 440.

71 Coulter *vs.* Pine Twp., 164 Pa. 543.

72 Disbrow *vs.* Ulster Twp., 8 Atl. 912.

73 Menges *vs.* Muncy Creek Twp., 1 Penny. 179.

74 Closser *vs.* Washington Twp., 11 Pa. Sup. 112.

75 Gibbons *vs.* Kingston Twp., 10 Kulp 25.

76 Allen *vs.* Twp. of Warwick, 9 Pa. Sup. 507.

question for the jury.[77] Where the evidence of the plaintiff shows that there is no negligence, or that he was guilty of contributory negligence, it is proper for the court to enter a compulsory non-suit; or binding instructions may be given, where the facts are uncontested, as well as the inference to be drawn.[78] But where this is not so, the question is for the jury.[79]

77 Smith *vs.* Muncy Creek Twp., 206 Pa. 7.

78 Bailey *vs.* Brown Twp., 190 Pa. 530; Hill *vs.* Tionesta Twp., 146 Pa. 11.

79 Hedricks *vs.* Schuylkill Twp., 16 Pa. Sup. 508; Dalton *vs.* Upper Tyrone Twp., 137 Pa. 18; Corbalis *vs.* Newberry Twp., 132 Pa. 9.

CHAPTER XXVII.

ACT OF 1903 CREATING THE STATE HIGHWAY DEPARTMENT.

262. State Highway Department. Commissioner. Assistant Commissioner.
263. Offices. Records of Department. Report to the Governor.
264. Petition of County Commissioners. Plans, etc. Examination. Commissioner to Prepare Plans, etc. Report to County Commissioners and to Supervisors. Contract with County and Township. Apportionment of Cost. Proviso. Apportionment of State Aid. Proviso. Roads Constructed Under Provisions of Act of June 26, 1895. Proviso. If Appropriation is not Applied for Within Two Years. Proviso. Apportionment of a Larger Sum. Proviso. Agreement Between County and Townships. Proviso. Sworn Statement of Miles of Road.
265. Highways Shall Conform to Standard. Minimum Length and Width of Improved Section. General System of Highway Improvement.
266. All Work Shall be Done by Contract. Bids and Option. Contractor's Bond.
267. Townships May Bid and Contract.
268. Apportionment of Total Expense. Commissioner to Certify to Total Expense to County Commissioners, etc.
269. Payment of the State's Share. Payment of the County's Share. Payment of the Township's Share. Partial Payments to Contractor. Proviso. Cash Road Tax.
270. Contracts to Be Made in the Name of the Commonwealth. To Be Approved by the Attorney General. Written Agreement of County and Township Officers to be Filed.
271. Petition of Township Officers. Resolution of County Commissioners. Map, plan, etc. Proviso.
272. Petition. Resolution. Township May Incur Indebtedness or Issue Bonds. Petition of Owners of Real Estate, Protesting Against Expenditure. Petition of Owners of Real Estate, Favoring Improvement.
273. In Case County Commissioners Neglect or Refuse to Act Upon Township's Petition. Township May Petition Court. Report of Jury of View. Order of Court. Appointment of and Compensation of Jury of View.
274. Joint Petition of Townships.
275. Advertisements for Proposals.

276. Maintenance of Highways. Apportionment of Maintenance Fund.
277. State Aid for Maintenance. Sworn Petition. Apportionment to Township. Limited to One-half of Annual Cost.
278. "State Highways." Duty of Supervisors, etc.
279. "Highway" Construed.
280. When Portion of Highway is Within a Borough. Agreement with Borough. State May Bear a Portion of Expense. Limit of. Borough Highways. Plans and Specifications. Approval of Work. Duty of Borough Officers.
281. Commonwealth Not to Be Liable for Damages. Damages. Petition. Viewers. Proceedings.
282. Highway Plan of the State, etc. Duties of the Commissioner. He May Be Consulted by Officers. Promotion of Improvement.
283. Duty of County, City, Borough and Township Officers.
284. Construction of Improved Highways. Selction of Material for Road.
285. $6,500,000 Appropriated When Available.
286. Repeal. Proviso.

Providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner and staff of assistants, and defining the powers and duties thereof; authorizing the State Highway Department to Co-operate with the several counties and townships, and with boroughs in certain instances, in the improvement of the public highways and the maintenance of improved highways; providing for the application of counties and townships for State aid in highway improvement and maintenance; providing for the payment of the cost of highway improvements, made under the provisions of this act, by the State, the counties, and the townships, and making an appropriation for this purpose.

262. State Highway Department. Commissioner. Assistant Commissioner.

Section 1. Be it enacted, &c., That immediately upon the approval of this act, a State Highway Department shall be established by the appointment, by the Governor of the Commonwealth, with the advice and consent of the Senate, for a term of four years, of a State Highway Commissioner, who shall be a competent civil engineer, and experienced in the construction and maintenance of improved roads. Said State Highway Commissioner shall receive a salary of three thousand five hundred dollars per annum, and shall be allowed his actual traveling expenses, not exceeding five hundred dollars, while offici-

ally employed. He shall furnish a bond in the sum of twenty-five thousand dollars for the faithful performance of his duty, said bond to be approved by the Governor, and he shall give his whole time and attention to the duties of his position. The said State Highway Commissioner may appoint, as the work of the department requires it, and subject to the approval of the Governor, one assistant, who shall be a capable and competent civil engineer, and experienced in road building, who shall receive an annual salary of two thousand dollars, and shall be allowed his actual travelling expense, not to exceed five hundred dollars, when on official business; and he shall also appoint a chief clerk, at an annual salary of fifteen hundred dollars per annum, and may employ an additional clerk who shall be a competent stenographer, at an expense not to exceed one thousand dollars per annum. The State Highway Commissioner may require the employes of the Department to give bond for the faithful performance of their duty, in suitable and reasonable amounts.

263. Offices. Records of Department. Report to the Governor.

Section 2. The State Highway Department shall be provided with suitable rooms in the State buildings at Harrisburg, and its offices shall be open at all reasonable times for the transaction of public business. The State Highway Commissioner shall carry into effect the provisions of this act and all acts of Assembly providing for the co-operation of the State in the construction and maintenance of public highways. He shall have charge of the records of the State Highway Department; and shall each year submit to the Governor of the Commonwealth a full report of the operations of the Department, the number of miles, cost and character of the roads built under its direction, detailed statements of the expenses of the Department, and such other information concerning the condition of the public roads of the State and the progress of their improvement as may be proper.

264. Petition of County Commissioners. Plans, etc. Examination. Commissioner to Prepare Plans, etc. Report to County Commissioners and to Supervisors. Contract with County and Township. Apportionment of Cost. Proviso. Apportionment of State Aid. Proviso. Roads Constructed Under Provisions of Act of June 26, 1895. Proviso. If Appropriation is not Applied for Within Two Years. Proviso. Apportionment of a Larger Sum. Proviso. Agreement Between County and Townships. Proviso. Sworn Statement of Miles of Road.

Section 3. Whenever the county commissioners of any county shall represent by petition to said State Highway Department that any principal highway in said county, outside of the corporate limits of any city or borough, is not in a satisfactory condition for comfortable or economical travel, and ought to be reconstructed under the provisions of this act, and shall furnish to the said Department an accurate plan of the layout, lines, profile and established grade of such highway, it shall be the duty of the State Highway Commissioner to examine such highway, or instruct one of his assistants so to do; and if in the judgment of the State Highway Commissioner said representation is well founded, he shall determine what changes should be made in said existing highway, what portion of it should be improved and in what manner, and shall prepare accurate plans and make careful detailed estimates of the expense of the work which, in his opinion, should be done, and report the same to the county commissioners of the county and the supervisors or commissioners of the township or townships in which the said highway may lie. If the said county commissioners and township supervisors or commissioners then decide that it is advisable to go on with the work as hereinafter provided, and make the required agreements as hereinafter specified, the State Highway Department may, if the funds at its disposal permit of so doing, contract jointly with the county and township, or townships, in which said highway lies, to carry out the recommendations of the State Highway Commissioner; the cost of the same, including all the necessary surveys, grading, material, construction, re-location, changes of grade, and expenses in connection with the improvement of

said highway, to be borne in sixty-six and two-thirds per centum by the State, sixteen and two-thirds per centum by the county, and sixteen and two-thirds per centum by the township or townships in which the portions of said highway, improved as herein provided, may lie: Provided, That the State aid shall be apportioned among the several counties of the Commonwealth according to the mileage of township or county roads in each county, but the said amount shall remain in the State Treasury until applied for under the provisions of this act: And provided, That any county constructing county roads under the provisions of the Act of June twenty-sixth, one thousand eight hundred and ninety-five (Pamphlet law, three hundred and thirty-six), and supplements and amendments thereto, shall be entitled to receive the same amount of State aid as if said roads were constructed under the provisions of this act: And provided further, That if the appropriation, so apportioned by the State, shall not be so applied for a period of two years after it has become available, the amount so apportioned and set aside for that county shall be returned to the State Treasury, and added to the appropriation for the current year, and distributed anew under the provisions of this act: And provided further, That nothing herein contained shall prevent any county and townships from agreeing to appropriate a larger amount for such road improvement than the amounts specified in this act: And provided, That counties and townships may agree among themselves to contribute their combined proportion of the thirty-three and one-third per centum of the total expense of construction, herein provided to be borne by them in different proportions from that hereinabove specified; but in no case shall any township or county pay less than five per centum of the entire expense of such improvements: Provided, That the county commissioners shall furnish, under oath, to the State Highway Commissioner the total number of miles of township or county public roads, by townships, to the State Highway Commissioner.

265. Highways Shall Conform to Standard. Minimum Length and Width of Improved Section. General System of Highway Improvement.

Section 4. All highways improved under the provisions of this act shall conform to the standard of construction established by the State Highway Department, as best adapted to the locality in which they may be located, with due regard to the topography and natural conditions and the availability of road-building materials, and shall be constructed according to the best engineering practice. No section of highway improved under this act shall be less than one-fourth mile in length, nor shall the improved portion thereof be less than twelve feet in width. So far as is consistent with the just and equitable administration of this act, the State Highway Department shall encourage a general system of highway improvement.

266. All Work Shall Be Done by Contract. Bids and Option. Contractor's Bond.

Section 5. All work done under the provisions of this act shall be by contract, according to plans and specifications to be prepared by the State Highway Commissioner and approved by the county commissioners of the county and the supervisors or commissioners of the township or townships, as hereinbefore provided; and in awarding said contracts the work shall be given to the lowest and best bidder, with the option upon the part of the State Highway Commissioner, the county commissioners, or the township supervisors or commissioners, to reject any or all bids if they consider the same unreasonable, or if the prices named are materially higher than the estimated cost of the work as provided for. Every person, firm or corporation, before being awarded any contract for the construction or improvement of any highway under the provisions of this act, shall furnish a bond, acceptable to the State Highway Commissioner, in a sum equal to the contract price of the work, conditioned upon the satisfactory completion of the same and to save harmless the State, county and the township or town-

ships, in which the work may lie, from any expense incurred through the failure of said contractor to complete the work as specified, or for any damages growing out of the carelessness of said contractor or his or its servants.

267. Townships May Bid and Contract.

Section 6. Any township may, through its supervisors or commissioners, be authorized to bid for the construction of such portion of any highway improvement, undertaken under the provisions of this act, as may lie within its limits; and any township submitting such bid shall have the same consideration as other bidders, and, if awarded the contract, shall fulfill the same and be subject to the same regulations as are laid down for other bidders.

268. Apportionment of Total Expense. Commissioner to Certify to Total Expense to County Commissioners, etc.

Section 7. Upon the completion of any highway, rebuilt or improved under the provisions of this act, the State Highway Commissioner shall immediately ascertain the total expense of the same, and apportion the said total expense between the State, the county and the township, or townships, in the proportion hereinbefore provided; and in case the said improved highway shall extend into or through two or more townships, he shall apportion the proportion of the expense, aforesaid, to be borne by each township among the several townships, in the same proportionate parts as the cost of the improvement within each township shall bear to the whole expense of the improvement which has been made according to the provisions of this act; and the said State Highway Commissioner shall certify the total expense of said improvement to the county commissioners and to the supervisors or commissioners of the township, or townships, in which the improved highway has been constructed, respectively, specifying the amounts to be borne by the State, the county and the township, or each township, as provided by this act.

269. Payment of the State's Share. Payment of the County's Share. Payment of the Township's Share. Partial Payments to Contractor. Proviso. Cash Road Tax.

Section 8. The State's share of the expense of highway improvement or maintenance, under the provisions of this act, shall be paid by the State Treasurer upon the warrant of the State Highway Commissioner, attested by the chief clerk of the State Highway Department, out of any specific appropriations made by the Legislature to carry out the provisions of this act; and the share of the county in which said highway improvement, as herein provided, has been made, shall be a charge upon the funds of said county, and shall be paid by the county treasurer upon the order of the county commissioners. The share of the township or townships in which the said highway improvement, as herein provided, has been made, shall be paid by the township supervisors or commissioners, as other debts of said township or townships are paid. The State Highway Department, the county commissioners of the county, and the supervisors or commissioners of the township, or townships, in which any highway is being improved under the provisions of this act, may, with the approval of the State Highway Commissioner, make partial payments to the contractor or contractors performing the work, as the same progresses; but not more than two-thirds of their proportionate shares of the contract price for the work shall be paid, in advance of the full completion of the same, by either the State Highway Department, the county, and the township or townships, so that at least one-third of the full contract price shall be withheld until the work is satisfactorily completed and accepted, and the exact proportions of the cost thereof apportioned to the State, county and township, or townships: Provided, That a cash road tax be levied by each township, where such road improvement is being made, to meet the cost of such permanent road improvement as is provided in this act.

270. Contracts to Be Made in the Name of the Commonwealth. To Be Approved by the Attorney General. Written Agreement of County and Township Officers to Be Filed.

Section 9. Every contract authorized to be made by the State Highway Department, under the provisions of this act, shall be made in the name of the Commonwealth of Pennsylvania, and shall be signed by the State Commissioner of Highways and attested by the Chief Clerk of the Department, and shall be approved, as to form and legality, by the Attorney General or Deputy Attorney General of the Commonwealth. No contract for any highway improvement shall be let by the State Highway Department, nor shall any work be authorized under the provisions of this act, until the written agreement of the county commissioners of the county and the supervisors or commissioners of the township, or townships, in which said proposed improvement is to be made, agreeing to assume their respective shares of the cost thereof, as hereinbefore provided, shall be on file in the office of the State Highway Department, and shall have been approved as to form and legality by the Attorney General or the Deputy Attorney General of the Commonwealth.

271. Petition of Township Officers. Resolution of County Commissioners. Map, Plan, etc. Proviso.

Section 10. The county commissioners of any county may, upon the presentation to them of a petition from the supervisors or commissioners of any township, or of two or more adjoining townships, representing that any principal highway or section thereof, lying within said township or townships, is in need of reconstruction, and setting forth that said township or townships desire to take advantage of the provisions of this act to improve said highway, pass a resolution petitioning the State Highway Department to undertake the improvement of the highway or section thereof specified in the petition from the township or townships aforesaid, and authorizing the assumption by the county of its share of the expense of said improvement; accompanying the said petition to the State High-

way Department with a map or plan showing the layout, lines, profile and grade of such highway, as hereinbefore provided: Provided, That where the county commissioners petition the State Highway Commissioner for the improvement of a public road or parts thereof, they shall state the kind of material to be used or available for such road.

272. Petition. Resolution. Township May Incur Indebtedness or Issue Bonds. Petition of Owners of Real Estate, Protesting Against Expenditure. Petition of Owners of Real Estate, Favoring Improvement.

Section 11. The supervisors or commissioners of any township in any county of the Commonwealth may petition the county commissioners of said county to make application to the State Highway Department for the co-operation of the State in the reconstruction or permanent improvement of any principal highway within the said township, or any section thereof which is much used as a thoroughfare by the people of said township and the neighboring townships, cities and boroughs, agreeing by resolution to assume, for said township, the proportionate share of the expense of said improvement, as hereinbefore provided. It shall be lawful for any township to incur indebtedness or to issue bonds, in the manner authorized by law, for the payment of the said township's share of the cost of any highway improvement undertaken under the provisions of this act. If within thirty days after the receipt of any petition for highway improvement in any township, under the provisions of this act, a petition, signed by the owners of a majority of the assessed valuation of real estate in said township, is received by the county commissioners of the county in which said township is located, protesting against said proposed expenditure upon the part of the township, then the county commissioners shall take no action on said petition for improvement, but shall return the same to the supervisors or commissioners from whom it was received. Upon the receipt of a petition, signed by the owners of a majority of the assessed valuation of real estate in any township, requesting

the application by said township for the improvement of any highway in said township according to the provisions of this act, it shall be the duty of the supervisors or commissioners of said township to petition the county commissioners in the manner hereinbefore described.

273. In Case County Commissioners Neglect or Refuse to Act Upon Township's Petition. Township May Petition Court. Report of Jury of View. Order of Court. Appointment of and Compensation of Jury of View.

Section 12. In case the county commissioners of any county shall neglect or refuse to act upon the petition of any township or townships for highway improvement, as herein provided, or shall refuse to petition the State Highway Department for State aid in such proposed improvement, after said township or townships shall have complied with the conditions of this act in petitioning said county commissioners, the supervisors or commissioners of said township or townships may, through their proper officers, petition the court of quarter sessions of said county for the appointment of a jury of view to examine into the necessity of said proposed highway improvement; and upon the said jury of view making a report favorable to said improvement, and with the approval of the court, it shall be the duty of, and the court may by order require, the said county commissioners to petition the said State Highway Department for the co-operation of the State in the said proposed highway improvement, in the manner herein provided. Said jury of view to be appointed and compensated in the same manner, and to have the same powers, as juries of view for laying out or changing public roads have by existing law.

274. Joint Petition of Townships.

Section 13. The supervisors or commissioners of any adjacent townships, in the same county, in which any portion of a principal highway running into or through said townships may lie, may by resolution jointly petition the county commis-

sioners of their county to make application to the State Highway Department for the co-operation of the State in repairing or rebuilding said highway, as herein provided.

275. Advertisements for Proposals.

Section 14. Advertisements for proposals for the reconstruction or improvement of highways under the provisions of this act shall be given by the county commissioners, at least thirty days before the contracts may be awarded, by public notice in at least two newspapers of general circulation in the county in which the highway to be improved is located; such advertisement to designate where the plans and specifications may be had, and the time and place of the reception of bids and the letting of the contract.

276. Maintenance of Highways. Apportionment of Maintenance Fund.

Section 15. Ten per centum of the amount available for highway purposes, under the provisions of this act, shall be set aside for the purpose of maintenance of highways, as hereinafter provided, and shall be apportioned by the State Highway Commissioner among the townships or counties applying for the same, in proportion to the mileage of improved highways made under the provisions of this act, or which have already been made or may hereafter be made, at the expense of such townships or counties, and which are of the standard prescribed by the State Highway Department for improved highways.

277. State Aid for Maintenance. Sworn Petition. Apportionment to Township. Limited to One-half of Annual Cost.

Section 16. Whenever the supervisors or commissioners of any township or county shall desire State aid for the purpose of maintenance of improved highways, whether State highways improved under the provisions of this act or otherwise, it shall be the duty of said supervisors or commissioners to file with the State Highway Department, on or before the first day of April in each year, a sworn petition requesting such

State aid, and setting forth the number of miles of highways improved according to the standards of the State Highway Department in said township, and the cost of the same to said township, together with the condition of said improved highways and the average annual cost of maintaining the same. The State Commissioner of Highways, if in his judgment the conditions warrant the co-operation of the State in maintaining said highways, shall apportion to said township its proportion of the total amount available for the maintenance of improved highways, as hereinbefore provided, and the said amount shall be paid to the supervisors or commissioners of said township by warrant of the State Highway Department; but in no case shall the amount thus given by the State for maintenance, be more than one-half the amount which, in the judgment and experience of the State Highway Commissioner, the annual cost of maintaining improved highways of the standard of construction prevailing in such township should be, nor more than one-half the sworn, average annual cost of maintenance, as set forth in the petition of the supervisors or commissioners of the said townships.

278. "State Highways." Duty of Supervisors, etc.

Section 17. All highways, or portions of highways, constructed or improved under the provisions of this act, shall thereafter be known as "State Highways," but, so far as the same may be within the limits of any township, shall be kept in repair, so that they may be maintained at the standard of condition prescribed for highways of their class by the State Highway Department, at the expense of said township; but the supervisors or commissioners of any township possessing improved highways may ask for and receive State aid for the maintenance of the same, as hereinbefore provided. It shall be the duty of the supervisors or commissioners of every township in which said State Highways may lie, to maintain the same generally at a reasonable standard, prescribed for such roads by the State Highway Department.

279. "Highway" Construed.

Section 18. The word "highway," as used in this act shall be construed to include any existing causeway or bridge, or any new causeway or bridge, or any drain or water-course which may form a part of a road, and which might properly be built, according to existing laws, by the township or townships; but shall not include causeways or bridges which should properly be built by a county, or adjoining counties, or by the State.

280. When Portion of Highway is Within a Borough. Agreement with Borough. State May Bear a Portion of Expense. Limit of. Borough Highways. Plans and Specifications. Approval of Work. Duty of Borough Officers.

Section 19. Where a portion of an important main highway, traversing one or more townships, and for the improvement of which according to the provisions of this act application has been made by said township or townships, shall lie within the limits of any borough or boroughs, and where the failure of said borough or boroughs to improve the said highway would leave a break or unimproved section in a continuous improved highway, it shall be lawful for the county commissioners of the county in which said highway is located, to enter into an agreement with said borough or boroughs to bear a portion of the expense of said improvement of the highway within the borough limits, in the same manner as is herein provided for co-operation between the counties and townships; and the State Highway Department may, if the State Highway Commissioner so recommends, bear a portion of the expense of said improvement of said highway within said borough limits, but in no case shall the portion of said expense to be borne by the State exceed one-third of the total expense of said improvement, and boroughs shall only receive aid from the State, as aforesaid, in cases where failure to receive such aid would prevent a continuous improvement of an important main highway, provision for the rebuilding of which has been made in the township or townships adjoining said borough or bor-

oughs. All improvements made in borough highways, as herein provided, shall be of a character similar to that specified for the township or townships through which the highway to be improved passes in reaching said borough and boroughs, and the plans and specifications for the work shall be approved by the State Highway Department; and the completed work shall be approved by said department before any warrant shall be issued for the State's share in such improvement, as herein provided. It shall be the duty of the proper officers of said borough or boroughs, charged with the maintenance of the streets and highways of said borough or boroughs, to keep and maintain said improved highway, within the borough limits, in a condition to conform to the standard established by the State Highway Department for the maintenance of similar highways.

281. Commonwealth Not to Be Liable for Damages. Damages. Petition. Viewers. Proceedings.

Section 20. The Commonwealth of Pennsylvania shall not be liable to any person or corporation for damages arising from the rebuilding or improvement of any highway under this act, nor shall the State engage to keep such highway in repair after the same shall have been rebuilt or improved, except to extend the aid in maintenance herein provided. In case any person or persons, or corporations, shall sustain damage by any change in grade or by the taking of land to alter the location of any highway which may be improved under this act, and the county commissioners and the parties so injured cannot agree on the amount of damages sustained, such persons or corporations may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage; the proceedings upon which said petition and by the viewers shall be governed by the laws relating to the assessment of damages for opening public highways, and such damages, when ascertained, shall be paid by the respective counties, and afterwards apportioned by the Commissioner of Highways, according to the provisions of section seven.

282. Highway Plan of the State, etc. Duties of the Commissioner. He May Be Consulted by Officers. Promotion of Improvement.

Section 21. In addition to his other duties, the State Highway Commissioner shall cause to be made and kept for the State Highway Department a general highway plan of the State, and compile statistics and collect information relative to the mileage, character and condition of the highways in the townships and counties of the State. He shall investigate and determine upon the various methods of road construction best adapted to the various sections of the State; and establish standards for the construction and maintenance of highways in the various sections, taking into consideration the topography of the country, the natural conditions and the character and availability of road-building material, and the ability of the townships and counties to build and maintain roads under the provisions of this act. He may, at all reasonable times, be consulted by county, city, borough or township officers having authority over highways and bridges, and shall, when requested, advise and give information to such officers relative to the construction, repairing, alteration and maintenance of the said highways and bridges. He shall at all times lend his aid in promoting improvement throughout the State, and shall prepare and disseminate useful information relative to road building and improvement.

283. Duty of County, City, Borough and Township Officers.

Section 22. County commissioners or county engineers of the several counties of this State, and the officers of all cities, boroughs and townships in the State, who now have, or may hereafter have by law, authority over the public highways and bridges, shall, upon the written request of the State Highway Department, furnish said Department with any information relative to the mileage, cost of building, and maintenance, condition and character of the highways under their jurisdiction, and with any other needful information relating to the said highways.

284. Construction of Improved Highways. Selection of Material for Road.

Section 23. All highways improved under the provisions of this act shall require the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, cinder, oyster-shells, or other good materials, in such manner that the same, of whatever material constructed, will, with reasonable repairs thereto, at all seasons of the year be firm, smooth and convenient for travel. The county commissioners shall have the authority to select the kind of materials to be used in improving any road under the provisions of this act. Any difference of opinion that may arise between the county commissioners and the township road authorities, as to the kind of road to be built, shall be decided by the State Highway Commissioner. The State Highway Commissioner shall furnish to the county commissioners and township road authorities information as to the probable cost of improved highways, as defined in this section.

285. $6,500,000 Appropriated. When Available.

Section 24. The sum of six millions five hundred thousand dollars is hereby appropriated to carry out the provisions of this act during the next six years. Of this sum, an amount not to exceed five hundred thousand dollars shall be available in the first year after the passage of this act, not more than five hundred thousand dollars shall be available in the second year, one million two hundred and fifty thousand dollars in each of the two next following years, and one million five hundred thousand dollars in each of the two years next following.

286. Repeal. Proviso.

Section 25. All acts or parts of acts inconsistent herewith are hereby repealed: Provided, That the provisions of this act shall not be construed to repeal any of the provisions of the road acts approved June twenty-sixth, one thousand eight hundred and ninety-five (Pamphlet laws, three hundred and thirty-six), and June twenty-three, one thousand eight hun-

dred and ninety-seven (Pamphlet laws, one hundred and ninety-four), and July ten, one thousand nine hundred one (Pamphlet laws, six hundred and thirty-six).

Approved—The 15th day of April, A. D. 1903.

CHAPTER XXVIII.

INSTRUCTIONS ISSUED BY STATE HIGHWAY DEPARTMENT.

287. Instructions to Township Supervisors and County Commissioners as to Method of Procedure Under Highway Law of 1903; and Also to Engineers Making Surveys.

287. Instructions to Township Supervisors and County Commissioners as to Method of Procedure Under Highway Law of 1903; and Also to Engineers Making Surveys.

When it is desired to have a section of road in any township permanently improved, under the Act of April 15, 1903 (P. L. 188), making provision for State aid, the supervisors of said township should meet in regular session, the town clerk or secretary of the board of supervisors being present to make proper record of the action taken. A resolution should be passed and entered, without fail, on the township records, setting forth that the road in question is in need of reconstruction, stating between what points such reconstruction is desired, agreeing to pay one-sixth of the cost thereof and for the levying of a cash road tax, and petitioning the county commissioners to ask for State aid.

A certified copy of this resolution, signed by the supervisors and attested by the town clerk or secretary of the board of supervisors, should be sent to the county commissioners, with the petition requesting their co-operation.

In townships of the first class the township commissioners should follow the foregoing instructions to township supervisors.

The county commissioners should then pass a resolution setting forth that they have been petitioned by the township supervisors of the said township to join in asking State aid, authorizing the assumption by the county of its share (one-sixth) of the cost of the improvement, and petitioning the

State Highway Department to undertake the said improvement. This resolution should be properly recorded and a certified copy, signed by the county commissioners and attested by the commissioners' clerk, be sent to the State Highway Department. The county commissioners should also state what kind of material is available for such road and its proximity to the proposed improvement. All the necessary blanks for the foregoing can be obtained upon application to the State Highway Department.

Accompanying the petition of the county commissioners should be the petition and copy of the resolution as certified to by the township supervisors, and an accurate map or plan of the layout, lines, profile and grade of said highway. This map or plan should be continuous and drawn on a scale of 50 feet to one inch, the profile or grade plan on a scale of 50 feet horizontal and 10 feet vertical, cross sections on a scale of 10 feet horizontal and vertical, and should show all buildings within 100 feet of the road, property lines, names of owners, location of fences, drains, culverts, bridges, elevations every 100 feet and at all changes of grade and cross sections every 200 feet, or oftener if the ground is irregular, being careful to show width of roadbed as found. Elevations of the tops of all bridges and the surface of water in all streams, and elevations every 100 feet should be marked in figures on the profile opposite their respective locations. In fact, all the details necessary from which to make an accurate estimate of the work required to be done in the reconstruction of the road proposed to be improved must be given. The plan should bear the name and address of the engineer who made the surveys, and if on tracing cloth should be made on the dull side of the cloth and not on the smooth side. The original plan must be sent to the Department with the application. In making the survey, iron pins should be driven at every angle point, and a guard stake placed near by with the station and plus marked thereon. A stake should be placed at each hundred feet and numbered with a continuous enumeration, using zero ° for the beginning.

When the stations come in the middle of the road, stakes can be placed at a reasonable distance at right angles, with the distance marked on each stake. After the application has been filed with the State Highway Department it is the duty of the Highway Commissioner, or his Assistant, to examine the road in the reconstruction of which State aid is asked; and if in the judgment of the State Highway Commissioner said representation is well founded he shall determine what changes shall be made in said existing highway, what portions shall be improved and in what manner. After this has been determined and plans prepared the county commissioners will advertise for 30 days for bids on the work to be done. These bids will be received at the State Highway Department, at Harrisburg, Pa.

CHAPTER XXIX.

FORMS.

288. Petition of Real Estate Owners.
289. Petition of Township Supervisors.
290. Petition of Township Commissioners of Townships of the First Class.
291. Petition of County Commissioners.
292. Agreement Between Commonwealth, County and Township, for Road Improvements.
293. Contract Between the Commonwealth and Contractor.
294. Bond to Be Given by the Contractor for Road Improvement.
295. Maintenance Petition for the Use of Township Supervisors.
296. Maintenance Petition for the Use of Township Commissioners and County Commissioners.
297. Form of Standard Specifications.
298. Form of Bid.

288. Petition of Real Estate Owners.

To the Supervisors of Township:

We, the undersigned, owners of a majority of the assessed valuation of real estate in Township, County, Commonwealth of Pennsylvania, respectively represent that a certain section of highway, about feet in length and situated as follows: is in need of reconstruction, and that it is our desire to take advantage of the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, approved April 15, 1903, providing for the establishment of a State Highway Department, etc.

We do therefore ask you, the supervisors of said Township, to petition the County Commissioners to make application to the State Highway Department for State aid in the improvement of the highway hereinbefore described, under the provisions of the said act, and we will ever pray, etc.

....

....

....
....
....

289. Petition of Township Supervisors.

To the Commissioners of County:

Whereas, The section of highway in Township, County of , Commonwealth of Pennsylvania, being about feet in length and situated as follows,
is in need of reconstruction, and

Whereas, State aid is desired for the permanent improvement of said section of highway, under the Act approved April 15, 1903, providing for the establishment of a State Highway Department, etc., therefore be it

Resolved, That the supervisors of said Township, in regular session assembled on this day of , 190 , do on behalf of said township hereby petition for State aid as hereinbefore stated, and be it further

Resolved, That the said supervisors do agree for themselves and their successors in office to pay from the township funds, in the manner provided by the said Act, one-sixth part of the expense of said improvement, and be it further

Resolved, That a cash road tax be levied to meet when due one-sixth part of the expense of said improvement, and be it further

Resolved, That the commissioners of said County of be and are hereby petitioned to join in requesting the State Highway Department to extend State aid for the said road improvement, under the said Act.

(Signed)

....
....
....

Supervisors of Township.

Attest:

....

Town Clerk.

290. Petition of Township Commissioners of Townships of the First Class.

To the Commissioners of County:

Whereas, The section of highway in Township, County of , Commonwealth of Pennsylvania, being about feet in length and situated as follows, is in need of reconstruction, and

Whereas, State aid is desired for the permanent improvement of said section of highway, under the Act approved April 15, 1903, providing for the establishment of a State Highway Department, etc., therefore be it

Resolved, That the commissioners of said Township, in regular session assembled on this day of , 190 , do on behalf of said township hereby petition for State aid as hereinbefore stated, and be it further

Resolved, That the said commissioners do agree for themselves and their successors in office to pay from the township funds, in the manner provided by the said Act, one-sixth part of the expense of said improvement, and be it further

Resolved, That a cash road tax be levied to meet when due one-sixth part of the expense of said improvement, and be it further

Resolved, That the commissioners of said County of be and are hereby petitioned to join in requesting the State Highway Department to extend State aid for the said road improvement, under the said Act.

(Signed)

.....

.....

.....

Commissioners of Township.

Attest:

.....

Town Clerk.

291. Petition of County Commissioners.

To the State Highway Department:

Whereas, There has been presented to the undersigned, commissioners of County, Commonwealth of Pennsylvania, a petition from the supervisors of Township, County, representing that a section of highway in said Township, being about feet in length and situated as follows: is in need of reconstruction, and setting forth that said township desires to take advantage of the provisions of the Act approved April 15, 1903, providing for the establishment of a State Highway Department, etc., therefore be it

Resolved, That we, the said commissioners of County, Commonwealth of Pennsylvania, do hereby petition the said State Highway Department to undertake the improvement of the section of highway specified in the petition from the township aforesaid, and be it further

Resolved, That we, the said commissioners of County, Commonwealth of Pennsylvania, do hereby authorize the assumption by said county of its share of the expense of said improvement, and be it further

Resolved, That a map or plan accompany this petition to the State Highway Department, showing the layout, lines, profile and grade of the section of highway hereinbefore described.

We, the commissioners of County, Commonwealth of Pennsylvania, do hereby state that there is available for such highway improvement the material described and located as follows:

(Signed)

.....

.....

Commissioners of County.

Attest:

.....

Commissioners' Clerk.

292. Agreement Between Commonwealth, County and Township, for Road Improvements.

Whereas, The State Highway Commissioner has, under the provisions of the Act approved April 15, 1903, P. L. 188, recommended the improvement of a section of highway about feet in length, lying in Township, County, at an approximate cost of $,

Now, this agreement witnesseth that the Commonwealth of Pennsylvania agrees to carry out the recommendations of the State Highway Commissioner and to defray two-thirds of the total expense of such improvement.

The said county of and the said township of , by their authorized representatives whose signatures are hereunto attached, do hereby jointly and severally agree to pay each one-sixth of the total expense of such improvement.

In testimony whereof we have this day of , A. D. 190 , set our hands and seals.

Commonwealth of Pennsylvania,
By....., L. S.
State Highway Commissioner.

Attest:
....., L. S.
Chief Clerk.

County of .....

By....., L. S.
....., L. S.
....., L. S.
Commissioners.

Attest:
....., L. S.
Commissioners' Clerk.

Township of .....
By....., L. S.
....., L. S.
....., L. S.
Supervisors or Commissioners (as the case may be.)

Attest:
....., L. S.
Town Clerk.

293. Contract Between the Commonwealth and Contractor.

This agreement, made this day of , A. D. 190 , between the Commonwealth of Pennsylvania, hereinafter called the party of the first part, and of , or successors, executors, administrators and assigns, hereafter called the party of the second part,

Witnesseth, That the party of the second part, for and in consideration of the payment or payments hereinafter specified and agreed to by the party of the first part, hereby covenants and agrees to furnish and deliver all the materials and to do and perform all the work and labor required in the improvement of a certain section of highway in Township, County of , Commonwealth of Pennsylvania, being about feet in length and situated as follows: .

The party of the second part further covenants and agrees that said materials of each and every kind shall be of the best of their several kinds, and that all of said work and labor shall be done and performed in the best and most workmanlike manner, and that both materials and labor shall be in strict and entire conformity with the specifications and plan, a copy of each of which is hereto attached and forms part of this agreement; and that all of said materials and labor shall be subject to the inspection and approval of the State Highway Commissioner, or his duly authorized assistant, and in case any of said materials or labor shall be rejected by the said State Highway Commissioner, or his assistant, as defective or unsuitable, then

the said materials shall be removed and replaced with other materials, and the said labor shall be done anew to the satisfaction and approval of the said State Highway Commissioner, or his assistant, at the cost and expense of the party of the second part.

The party of the second part further covenants and agrees that all of said materials shall be furnished and delivered, and all of said labor shall be done and performed to the satisfaction and approval of the said State Highway Commissioner on or before the expiration of from the date of this contract, and if for any reason, except for the written consent of the said State Highway Commissioner, the completion of the said work shall be delayed beyond that date, then the party of the second part shall pay and forfeit to the party of the first part the sum of dollars ($) per for each and every during which the said work shall be delayed; provided that upon receipt of written notice from said party of the second part of the existence of causes over which said party of the second part has no control and which must delay the completion of said work, the said State Highway Commissioner may, in his discretion, extend the period allotted for its completion, and in such case the damages for delay shall become operative at the date at which such extension shall expire.

And it is further expressly understood and agreed by and between the parties to this agreement that if in the opinion of the said State Highway Commissioner the party of the second part shall be prosecuting the said work with an insufficient force of workmen or with an insufficient supply of materials for the prompt completion of said work, or shall be improperly performing the said work, or shall discontinue the performance of said work before completion, or shall neglect or refuse to remove such materials or to perform anew such labor as shall be rejected by the said State Highway Commissioner as defective or unsuitable, then in any such case it shall be lawful for the said State Highway Commissioner, and he is hereby au-

thorized and empowered to employ such contractors as in his opinion shall be required for the proper completion of the said work, at the cost and expense of the said party of the second part.

And it is further expressly understood and agreed by and between the parties to this agreement that the party of the second part shall during the progress of said work properly safeguard the same against injury or damage to the public, and that said party of the second part shall alone be responsible for any such injury or damage sustained by any person or persons.

In consideration of the foregoing premises the said party of the first part hereby agrees to pay to the party of the second part the sum of dollars ($), payment to be made as follows: .

In Witness Whereof, the party of the first part hath hereunto subscribed by the hand and seal of the State Highway Commissioner, and the party of the second part hath set his hand and seal.

Attest:

Commonwealth of Pennsylvania,
By....., L. S.
State Highway Commissioner.
....., L. S.
Chief Clerk.
....., L. S.
Contractor.

294. Bond to Be Given by the Contractor for Road Improvement.

Know all Men by These Presents, That we, are held and firmly bound to the Commonwealth of Pennsylvania, in the sum of Dollars ($), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, for and in the whole, jointly and severally, firmly by these presents.

Whereas, did on the day of A. D. 190 , make and enter into a contract with the Commonwealth of Pennsylvania in the sum of dollars ($) for the construction of a section of highway in Township, County, Pennsylvania, under the provisions of the Act approved April 15, 1903, (P. L. 188),

Now, the condition of this obligation is such that if the above bounden shall well and truly and in a manner satisfactory to the State Highway Commissioner complete the work contracted for and shall save harmless the Commonwealth of Pennsylvania from any expense incurred through the failure of said contractor to complete the work as specified, or for any damages growing out of the carelessness of said contractor or his or its servants, then shall this obligation be void; otherwise shall remain in full force and virtue.

In testimony whereunto we have this day of A. D. 190 , set our hands and seals.

In the presence of

....[L. S.]
....[L. S.]
....[L. S.]
.....[L. S.]
.....[L. S.]

295. Maintenance Petition for the Use of Township Supervisors.

To the State Highway Department:

Whereas, The Supervisors of Township, County, are desirous of procuring State aid in the maintenance of highways in said township;

Now, Therefore, We do hereby make application to the State Highway Department, as provided for in the Act approved April 15, 1903, for a share in the apportionment of the Maintenance Fund.*

And for the purpose of procuring such State aid, and in compliance with the requirements of said Act, we state that there are in the said Township, County,

*Note.—To be returned on or before the first day of April in each year.

miles of roads improved according to the standards of the State, the condition of such roads being . The average annual cost, per mile, of maintaining said roads has been Dollars, ($).

Being duly qualified according to law, we depose and say that the statements herein contained are correct, as we verily believe.

.....
.....
.....

Supervisors.

Sworn and subscribed to before me this day of , A. D. 190 .

.....
.....

296. Maintenance Petition for the Use of Township Commissioners and County Commissioners.

To the State Highway Department:

Whereas, The Board of Commissioners of Township, County, is desirous of procuring State aid in the maintenance of highways in said township;

Now, therefore, application is hereby made to the State Highway Department, as provided for in the Act approved April 15, 1903, for a share in the apportionment of the Maintenance Fund.*

And for the purpose of procuring such State aid, and in compliance with the requirements of said Act, the said board authorizes the statement that there are in the said Township, County, miles of roads improved according to the standards of the State, the condition of such roads being .

.

The average annual cost, per mile, of maintaining said roads has been dollars ($).

*Note.—To be returned on or before the first day of April in each year.

Being duly qualified according to law, I hereby certify that the statements herein contained are correct, as I verily believe.

.....,

President of the Board of Commissioners of Township.

Attest:

.....

Clerk of the Board.

Sworn and subscribed to before me this day of A. D. 190 .

.....

.....

297. Form of Standard Specifications.

Commonwealth of Pennsylvania—State Highway Department.

MACADAM AND TELFORD SPECIFICATIONS.

For a section of Highway in Township, County, Commonwealth of Pennsylvania, extending from to a distance of about linear feet, feet wide.

I. LABOR AND MATERIALS.

The contractor is to furnish all labor, materials, tools and machinery necessary to the prompt and efficient execution of the provisions of these specifications; all work to be done to the satisfaction of the State Highway Commissioner.

2. PLANS AND DRAWINGS.

The plans and drawings prepared by the State Highway Department form part of these specifications, and must be followed without variation, unless specially authorized in writing

by the State Highway Commissioner. In case of discrepancy between scale and figured dimensions the latter are to govern.

3. GRADING.

The contractor shall do all grading, either by cutting or filling as the case may be, and shall remove from the highway all trees, stumps, roots, poles, fences, walls, buildings or other encumbrances upon or in the roadway, and all spongy or unstable material, replacing the same with solid material. In all cases where the earth fill exceeds one foot in depth, the filling must be deposited in layers, or courses, not exceeding one foot in depth, loose measurement. Each course shall be graded across the entire fill before starting another course. The grading must conform to stakes placed by the State Highway Commissioner, or under his direction. The contractor is to furnish the necessary material to make the required fills.

The completed grade is to have a slope of one-half inch to one inch to the foot from the center to the sides, according to the percentage of grade of the road, and the side road is to conform to the surface grade of the completed road bed, so that an unbroken slope shall be presented from the center to the shoulders or ditches on either side.

In rock cuts the rock must be blasted out at least eight inches below the surface line of the finished grade of the road. Rock used in filling must not come within eight inches of the surface line of the finished grade, and must not be allowed to nest, but must be distributed so as to avoid pockets.

4. SLOPES.

Slopes in solid earth must be one foot horizontal to one foot vertical; in sand or loam, one and a half feet horizontal to one foot vertical; in hard shale, one-half foot horizontal to one foot vertical; in rock, one foot horizontal to six feet vertical. Where slopes are liable to be washed, they shall be protected by riprap.

5. ROADBED.

The graded roadbed must be rolled until firm with a roller weighing not less than 12,000 pounds nor more than 20,000 pounds. Any depressions formed under such rolling must be filled and rolled again, until the sub-grade presents a uniform appearance and is identical in form with the cross section of the road when finished.

6. MACADAM.

Only good solid stone shall be used in macadamizing. Bidders will name the kind of stone they propose using in said work, and also its location. On the prepared roadbed shall be placed the bottom course, extending feet on each side of the center line, and composed of stone not larger than will pass through a three-inch ring in all directions. After being evenly spread, the course shall be thoroughly rolled with the roller hereinbefore specified until none of the stone move under the roller. All material must be added dry, but water must be applied ahead of the roller. The bottom course must be inches deep after rolling.

After completion of the bottom course, the second course, to be inches deep after rolling, shall be applied, of stone not larger than will pass through a one and a half-inch ring in all directions, and rolled as previously directed until firm and solid, water being applied ahead of the roller. The rolling must be done with the utmost thoroughness in both these courses.

The finishing course shall be one inch thick, and composed of rock screenings not exceeding one-half inch in diameter. It shall be applied dry and rolled once before wetting, then alternate applications of water and rolling until finally completed, when the surface must present a uniform appearance and conform to the shape and grade fixed by these specifications and the accompanying plans.

In all rolling the roller must start from the side lines of the roadbed and work toward the center, unless otherwise directed by the State Highway Commissioner.

7. TELFORD.

Only good solid stone shall be used in Telford construction. Bidders will name the kind of stone they propose using in said work, and also its location. On the proposed roadbed shall be placed the bottom course, extending feet on each side of the center line, the stones composing the course to be nine to twelve inches long, by three to five inches wide and inches deep, placed vertically by hand on their broadest edges. Stones to be laid in lengthwise courses across the road and all interstices filled with broken stone, wedged with a hammer. All projecting points must be broken off to bring the surface of the stone true to grade. The course to be thoroughly rolled with the roller hereinbefore specified until the stone do not rock under the roller.

After completion of the bottom course, the second course, to be inches deep after rolling, shall be applied, of stone not more than one and a half inches in diameter, and rolled as previously directed until firm and solid, water being applied ahead of the roller. The finishing course must be applied and rolled the same as for macadam. The rolling must be done with the utmost thoroughness on each course.

8. CULVERTS AND DRAINS.

Culverts and drains to be built or laid at the points and in the manner designated by the plans.

No stone to be used in building walls of culverts or wing walls, of less rise than three inches, width eight inches and length twelve inches. All stone to be well bedded and no stone set on edge. Only best grades of hydraulic cement to be used, one part cement to two parts sand. All covering stones to be

free of cracks or seams, and edges at joints to be dressed so as to fit tightly together.

9. GUTTERS.

Gutters to be constructed in conformity with the plans. All earth gutters shall be not less than inches wide at the bottom, with an even grade, with no pockets or loose earth left in the bottom. All cobble gutters shall be made from stone not over inches longest diameter, well bedded in sand or gravel, laid with the longest diameter parallel with the road, and thoroughly rammed into place. No rotten stone shall be used, and stone broken in ramming shall be replaced.

10. NO EXTRAS.

No extra work will be allowed unless authorized in writing by the State Highway Commissioner at a price agreed upon before the work is done. The decision of the State Highway Commissioner shall be final in all matters pertaining to the construction of the proposed work.

11. LIABILITIES OF CONTRACTORS.

The contractor must keep the roadway open to the public at all times during the progress of the work, and shall maintain sufficient guards by day and night to prevent accidents. The contractor will be held responsible for all damages to property, personal injury or any other damages that may result by reason of construction.

The contractor is to begin work within days and shall complete it within months from the signing of the contract, unless an extension of the time is authorized in writing by the State Highway Commissioner.

The contractor is to keep the finished road in repair for the

period of months from its acceptance by the State Highway Commissioner.

12. SUBLETTING OF CONTRACT.

The contract is not to be sublet unless with the written approval and consent of the State Highway Commissioner.

13. BIDS.

Bids will be received only for the road complete, but no bid will be received in which all of the following items are not filled out. They are designed for the use of the State Highway Department in making estimates .

Price per cubic yard for earth excavation, $.
Price per cubic yard for rock excavation, $.
Price for grading, complete, $.
Price per cubic yard for macadam and laying, $.
Price per cubic yard for telford and laying, $.
Price per square yard for riprap, $.
Price per cubic yard masonry in culverts, $.
Price per lineal foot for fencing, $.
Price per lineal foot for tile drain, specifying sizes, $.
Price per lineal foot for iron drain, specifying sizes, $.
Price per square yard for cobble gutters, $.
Price (lump) for finished road, complete in all details, according to plans and specifications, $.

Each bid must be accompanied by a bond in the sum of $1,000, conditioned upon the bidder's acceptance of the contract if awarded to him. After the contract has been awarded a new bond, with corporate security, must be given, in a sum equal to the contract price of the work, conditional upon the satisfactory completion of the same and to save harmless the State, County and the Township or Townships, in which the work may lie, from any expense incurred through the failure of said contractor to complete the work as specified, or for any

damages growing out of the carelessness of said contractor, his or its servants.

The right is reserved to reject any or all bids.

Bids to be received by the State Highway Department not later than .

14. ESTIMATES AND QUANTITIES.

The following estimates are the result of calculation but are not to be taken as exact. The contractor must himself be responsible for the data upon which he bases his bid.

Cubic yards earth excavation,
Cubic yards rock excavation,
Cubic yards macadam,
Cubic yards telford,
Square yards of riprap,
Cubic yards masonry in culverts,
Lineal feet fencing,
Lineal feet inch tile drain,
Lineal feet inch iron drain,
Square yards cobble gutters,

298. Form of Bid.

Bid of address, for Road in County, Township.

To the State Highway Commissioner, Harrisburg, Pa.:

Dear Sir:

I hereby propose to construct a section of highway in County, Township, about linear feet in length feet wide, for the sum of Dollars ($), for the finished road complete in all particulars, in accordance with the plans and specifications prepared by the State Highway Department.

I accompany this bid with bond in the sum of ONE THOUSAND Dollars ($1,000), the sureties thereon being .

For the purpose of comparison and estimates I submit the following itemized statement:

		Items not specified in specifications.	Items specified in specifications.
....cubic yards earth excavation,..at	$....	$.....	$.....
....cubic yards rock excavation, ..at	$....	$.....	$.....
....cubic yards macadam, ...at	$....	$.....	$.....
....cubic yards telford,.....at	$....	$.....	$.....
....square yards riprap.....at	$....	$.....	$.....
....cubic yards masonry in culverts, at	$....	$.....	$.....
....lineal feet fencing,.....at	$....	$.....	$.....
....lineal feet....inch tile drain,..at	$....	$.....	$.....
....lineal feet....inch tile drain,..at	$....	$.....	$.....
....lineal feet....inch tile drain,..at	$....	$.....	$.....
....lineal feet....inch tile drain,..at	$....	$.....	$.....
....lineal feet....inch iron drain,.at	$....	$.....	$.....
....lineal feet....inch iron drain,.at	$....	$.....	$.....
....lineal feet....inch iron drain,.at	$....	$.....	$.....
....lineal feet....inch iron drain,.at	$....	$.....	$.....
....square yards cobble gutters,..at	$....	$.....	$.....
Price for grading complete,.....		$.....	$.....
AMOUNT OF LUMP BID,.....			$.....

The stone I propose using in the construction is , from quarry,

Signature of Bidder,.....

Address,.....

Note.—The State Highway Department will not receive or consider any bid in which all of the foregoing items are not filled out. The column headed "Items Specified in Specifications," must aggregate the amount of the lump bid. Prices stated in the other column will be used in case it is found necessary during the progress of the work to include details not foreseen when the plans and specifications were prepared. No bid unaccompanied by bond will be given consideration. Bidders will name the kind of stone they propose using in said work, and also its location.

APPENDIX.

LIST OF SPECIAL ACTS RELATING TO TOWNSHIPS IN THE SEVERAL COUNTIES.

References in bold face type designate the year in which the Act was passed and are followed by the page of the Pamphlet Laws on which the Act may be found. Ch. indicates the Chapter in Smith's Laws in which an Act may be found, this system having been adopted as Smith's Laws are accessible to a greater number than the original session laws.

When an unrepealed law affects one of the older counties, the same law would be operative in a county subsequently erected from the older county.

ADAMS COUNTY.

Organized from a part of York County, January 22, 1800.
Chapter 2086.

BUFFALO TOWNSHIP divided '47-398
BUTLER TOWNSHIP—Polling places fixed '50-173, '52-238
Snaring rabbits prohibited '63-414
Protection of trees '63-414
Bounty tax authorized '68-930
CATTLE '34-537
COLLECTORS '70-1179
CONEWAGO TOWNSHIP
Land of D. Geiselman annexed to, for school purposes '63-257
CUMBERLAND TOWNSHIP—Special tax authorized '74-470
Tax authorized to pay bounty debts '67-1172, '69-1226
DIRECTORS OF THE POOR
Election and duties of Ch. 4415, '40-245, '42-312
Compensation of Act of March 24, '17, repealed '87-53

Adams County—*Continued.*

ELECTIONS REGULATED '55-99
FENCES '34-537
FOOT WALKS—Construction and protection of '63-172
FREEDOM TOWNSHIP—Surplus bounty money to school fund '67-1159
GERMANY TOWNSHIP
Land of William McSherry, Act of March 4, '65, repealed '69-195
Levy of bounty taxes legalized '69-705
Farm of Daniel Sell Act of April 8, '67, repealed '83-86
HAMILTON TOWNSHIP—Polling place fixed '42-322
Sale of school house '50-58, '52-568
Re-audit of bounty accounts '68-118
HAMPTON—Separate District '50-151
HUNTINGDON TOWNSHIP—Polling place fixed '56-109
Audit of bounty accounts '69-1005
LATIMORE TOWNSHIP—Acceptance of common school law '38-594
Polling place changed '56-109
Bounty tax authorized '66-548, '67-1172, '68-895
Supervisors' pay fixed '69-1051
Audit of bounty accounts '69-1005
MENALLEN SCHOOL DISTRICT—Bounty tax authorized '68-950
MOUNT PLEASANT TOWNSHIP—Polling places fixed '42-44
ORCHARDS—Protection of '54-430
OVERSEERS OF POOR abolished Ch. 4415
POOR HOUSE—Erection of Ch. 4415, '40-245, '42-312
READING TOWNSHIP—Duties of Assessors '50-151
Boundaries enlarged '53-589
Polling places fixed '50-88, '62-143
ROADS—Damages for opening '47-129, '59-508
ROAD VIEWERS—Pay fixed '45-184
SCHOOL TAX—To regulate the collection of '68-960, '72-1036
SIDEWALK—Construction and protection of '63-172
STRABAN TOWNSHIP—Disposition of surplus bounty '68-673
STRAYS '34-537
TAX, SCHOOL—To regulate collection of '68-960, '72-1036
TAXES—Prompt collection of. See 1901-396 '70-1179
TRESPASS on orchards, etc. '54-430
VERDICTS—Judgments on certain, validated '42-213
YOUNG TIMBER—Protection of '63-414

ALLEGHENY COUNTY.

Organized from parts of Westmoreland and Washington Counties, September 24, 1788. Ch. 1348.

ASSESSMENT OF TAXES—See Taxes '50-707, '54-571
ASSESSORS—Compensation of '64-863, '67-1096
Assistants, compensation of '68-880
Election of '29-77
To make returns by February 15th '69-981
BALDWIN TOWNSHIP—Separate election district '44-243
Bounty tax authorized '65-355
Collection of school taxes regulated '52-245, '70-618
BELLEVUE TOWNSHIP—School loan authorized '70-300
School per capita tax Act of March 17, '68, repealed '71-1239
CATTLE prohibited from running at large. See Strays '62-496
CERTIORARI in road cases, effect of '69-1235
CHARTIERS TOWNSHIP—Erection of '51-457
Polling places fixed '54-107
Bounty tax authorized '65-355
Roads Act of March 20, '62, repealed '66-1000
Sidewalks '69-625, Rep. 1901, 131
Sale of liquors regulated '69-407
COLLINS TOWNSHIP—Polling places fixed '51-42
Election and qualification of supervisors and overseers '51-149
Assessment and collection of road taxes '64-875
Bounty tax authorized '65-213
Improvement of Highland Avenue '65-606, '66-573
Sidewalks—Pay of Supervisors and Auditors '67-896
Part of Lawrenceville & Sharpsburg Passenger Railway vacated '68-791
School loan authorized '53-386, '68-907
To ascertain interest in Allegheny County House '71-1139
CONSTABLES
Eligible to re-election '27-24, '32-148
To commit paupers '59-418
COUNTY COMMISSIONERS
Bridges, certain, repair of '45-53, '51-536
County '72-683, '73-471
County bridges, construction of approaches to '72-683

Allegheny County—*Continued.*

COURTS
Tolls to be fixed by Ch. 4110
Townships, name of may be changed '35-291
CRESCENT TOWNSHIP—Ferry authorized over Ohio River '72-420
DEER TOWNSHIP—Election of two constables '36-307
DELINQUENT TAXES—Collection of '64-316
DIRECTORS OF THE POOR—Election of '41-263, '53-646, '70-1205
Purchase of farm '53-104
Powers and duties of '41-263, '53-12, 104, '55-243, '59-418
To seize property in case of wife desertion '59-418
Relief of paupers '64-760
DISORDERLY CONDUCT—Two Justices of the Peace to hear cases '68-971
DISPUTED BOUNDARIES—Settlement of '63-499
DOG TAX '44-513, '51-541
DOGS—Registry of '54-286
DRAINAGE of wet lands '70-197
DRUNKENNESS—Hearing before two Justices of the Peace '68-971
EAST DEER TOWNSHIP—Polling place changed '61-600
Bounty tax authorized '65-213
School loan authorized '68-474
Acts of Bounty Committee legalized '69-575
A vote for and against liquor licenses authorized '72-804
EATING HOUSES regulated '67-509
ELECTION OFFICERS—Compensation of, fixed '32-416, '72-158
ELECTION PRECINCTS defined '68-234
ELECTIONS regulated '64-322
ELIZABETH TOWNSHIP—Additional tax authorized '46-460, '47-425
School Directors to sell real estate '52-472
Election of Supervisors '61-71, '63-135, '69-748
Roads Act of April 5, '71, rep. '79-58
Sale of liquor prohibited '71-815
FAWN TOWNSHIP—Bounty tax authorized '65-279
School loan authorized '67-1208
FAYETTE TOWNSHIP—Special road tax '23-270, '25-101
FINLEY TOWNSHIP—Independent School District '51-457
New election district erected '52-488
New school district erected '52-531
Bounty tax authorized '65-258
Hunting game prohibited '68-274
Sale of liquor prohibited '69-456

Allegheny County—*Continued.*

FRANKLIN TOWNSHIP—Cash road tax, Act April 1, '34, repealed '46-239
Boundaries enlarged '46-227
FRUIT—Protection of '53-387, '60-362
Small, to provide for sale of by producers '74-403
GARDENS—Protection of '60-362
HAMPTON TOWNSHIP—Bounty tax authorized '68-258, '69-606
Annexation of land to McCandless Township, Act March 21, '65, rep. '83-14
HARRISON TOWNSHIP—School loan authorized '67-663
Protection of sheep and taxing of dogs '72-640
A vote for or against liquor licenses, authorized '72-804
HOGS—See Swine
HORSES—Prohibited from running at large '62-496
INDIANA TOWNSHIP—Polling places fixed '49-589
Election of Supervisors '52-147, '58-30
Bounty tax authorized '65-213
Enlargement of Lower Guysuta Island '70-780
Part of road tax applied on Sharpsburg and Kittaning T. R. '71-968
Roads Act of April 27, '71, repealed '75-63
JEFFERSON TOWNSHIP—Sale of liquor prohibited. Act of May 13, '71, repealed '91-210
KILLBUCK TOWNSHIP—School loan authorized '69-1179
Roads and bridges '70-644
A vote for or against liquor licenses, authorized '72-804
Issue of liquor licenses to be prohibited '70-1116
School Treasurer authorized to collect school tax '73-312
Election and duties of Supervisors '73-727
LEET TOWNSHIP—Maintenance of roads '70-328
Issue of liquor licenses prohibited '70-1116
LIBERTY TOWNSHIP—Construction of sidewalks '67-1282
To ascertain interest in Allegheny County Home '71-1138
LICENSE—Mercantile, granting of '47-495, '49-589
To allow voters of certain townships to vote for or against '72-804
LINCOLN TOWNSHIP—Sale of liquor prohibited, '71-815, Glassport excepted '03-540
School Directors authorized to levy special tax '70-495
Pay of Supervisors Act of April 10th, '73, repealed '79-86
LOWER ST. CLAIR TOWNSHIP—Election of William Wilson, Justice of the Peace, validated '48-10
Annexed to South Pittsburg '48-106
Polling places fixed '53-10

Allegheny County—*Continued.*

Boardwalks, penalty for injuring '54-328
Scott Township line changed '62-91
Supervisors, election and duties of '62-140, '72-346
Roads—Act of February 21, '62, repealed '63-168
Bounty tax authorized '65-213
Additional school tax authorized '70-358
Additional tax Act of March 8, '70, repealed '70-958
But one Supervisor to be elected '72-346

MARSHALL TOWNSHIP—Bounty fund transferred to school fund '67-521

M'CANDLESS TOWNSHIP—Polling places fixed '51-427, '52-446
Annexation of land of Benjamin Herr. Act of March 21, '65, repealed '83-14

M'CLURE TOWNSHIP—Bounty tax authorized '55-379, '65-279, 381
Election and duties of Supervisors '65-381
Annexed to Allegheny City '67-979, '70-562, '73-787
School loan authorized '69-497

M'NAIR'S TOWNSHIP—Polling places fixed '51-42

MIFFLIN TOWNSHIP—Roads, repair of, by contract '52-150
Road tax, payment of '32-151
Election of Treasurer '53-427
Erection of town hall '56-268
Bounty tax authorized '65-279
Supervisors, additional '66-598
And duties of '36-307
To regulate sale of liquors '73-576
To prohibit sale of liquors '71-815

MOON TOWNSHIP—Polling places fixed '55-45
Election of Supervisors '57-131
Bounty tax authorized '65-355
Roads and bridges Act of May 11, '71, repealed '87-103
Erection of new election district '52-488
Hunting game prohibited '68-274

MOORE TOWNSHIP—Independent School District '51-457

NEVILLE TOWNSHIP—Polling places fixed '54-357
Bounty tax authorized '66-5
School loan authorized '71-839

NORTH END DISTRICT—Erection of '71-304

NORTH PENN TOWNSHIP—Issue of liquor licenses for, prohibited '70-1116

NORTH VERSAILLES TOWNSHIP—Liquor licenses, popular vote authorized '72-804

Allegheny County—*Continued.*

OAKLAND TOWNSHIP—Sidewalks '67-1179
To ascertain interest in Allegheny County Home '71-1138

OHIO TOWNSHIP—Election of Treasurer '53-427
Polling places fixed '54-170
Bounty tax authorized '65-279

OVERSEERS OF POOR—To give official bond '53-217
Abolished '41-267
Compensation of '56-48

PATTON TOWNSHIP—Polling places fixed '49-589, '51-422
Liquor licenses '69-1022

PAUPERS—Care and employment of. See Constables '41-265, '53-12, 104, '64-760
Disposal of dead bodies of '67-497

PEEBLES TOWNSHIP—To ascertain interest in Allegheny County Home '71-1138
Polling place fixed '40-340

PENN TOWNSHIP—Bounty tax authorized '65-279
School tax authorized to build town hall '73-668
Roads Act of March 18, '69, repealed '81-14
Issue of license for, prohibited '70-1116

PINE TOWNSHIP—Polling place fixed '51-427
Repairs of roads '53-326, repealed '63-168
Bounty tax authorized '65-279
Liquor licenses, popular vote authorized '72-804

PITT TOWNSHIP—Duties of Auditors '44-86-245
Duties of Supervisors '44-85, '46-468
Regulating expenses of roads and poor '59-422
Poorhouse, erection of '59-418
Roadways '44-86
Middle Street changed to Madison Street '64-129
Duties of Supervisors '41-244
Bounty tax authorized '65-213
Treasurer to give bond and collect taxes '41-244, '57-224
To ascertain interest in Allegheny County Home '71-1138

PITTSBURG
Birmingham Township—Polling place fixed '42-54
Reserve Township—Polling places fixed '50-414
Part annexed to Allegheny City '67-979, '72-926
Long Lane—Part vacated '55-403

Reserve and McClure Townships—Erected into City Districts '71-304

Allegheny County—*Continued.*

Ross Township—Part of Cross Cut Street, vacated '57-281
Versailles Township—Polling places fixed '50-88
PLUM TOWNSHIP—Polling place fixed '49-589
POLLING PLACES designated '68-234
POOR DIRECTORS—See Directors of the Poor
POOR—Guardians of, indenture of children without parents, by '73-773
POOR HOUSE—Erection of. See Insane '41-262, '53-104
REGISTRY OF DOGS '54-286
RENTS, GROUND—Exempt from taxation '71-868
RESERVE TOWNSHIP—Annexation to Allegheny City, of part of '67-979, '72-926
Auditors not to be paid out of township funds '68-917
Election district separate '49-391
Incorporated into a borough '49-390
Part of Long Lane vacated '55-403
Lowrie Street, opening of '71-961
Polling place fixed '44-573
Poor, expenses of '48-226
Roads, expenses of '48-226, '53-259. See '01-389
Separate election district '49-391
School District. See Allegheny City '69-624, '70-327
Sidewalks '70-605
School loan authorized '70-327
Supervisors, pay of official bond of '53-259
RESTAURANTS, regulated '67-509
RICHLAND TOWNSHIP—
Popular vote on new township authorized '60-741
Popular vote on liquor licenses authorized '72-804
ROAD TAX—One-half to be worked before September 1st '30-27
ROAD VIEWERS—Appointment and duties of '45-52, '67-1108
Compensation fixed '66-227, '72-669
ROBINSON TOWNSHIP—Election of officers '69-195
Collection of taxes '51-559, '66-195, '67-345
Hunting game prohibited '68-274
Police district created '70-881, '71-985
Sale of liquors '69-407
Sidewalks '69-625
School Directors to erect a lock-up '71-985
ROSS TOWNSHIP—Election of Supervisors '34-108
Levy of road tax '29-78
Land of Martha S. Irwin annexed '64-876

Allegheny County—*Continued.*
Bounty tax authorized '65-279
School loan authorized '71-1299
SAINT CLAIR TOWNSHIP—Election of constables and other officers '23-53
Election of Supervisors, Assessors and Auditors '31-484, '32-151
Repair of roads Act of April 8th, '33, repealed '35-14
Disorderly persons, prosecution of '71-1039
SCHOOL DIRECTORS—Term of office '66-492
Authorized to levy bounty taxes '66-719
May condemn land for school sites '64-411
SCHOOLS FOR POOR CHILDREN regulated Ch. 5023
SCOTT TOWNSHIP—Lower St. Clair Township line changed '62-91
Supervisors, election and duties of '62-140
Bounty tax authorized '65-258
Hunting game prohibited '68-274
Election of Supervisors and maintenance of roads—Obstructing Highway '69-398
Sale of liquors regulated '69-407
Sidewalks '69-625, rep. '01-131
Better prosecution of disorderly persons '71-1268
Pittsburg and Noblestown Plank Road—Location changed '72-684
SEWICKLEY TOWNSHIP—Polling place fixed—Election of Treasurer '54-194, 353
SHADE TREES—Planting of '73-823
SHALER TOWNSHIP—Bounty tax authorized '65-301
Boundaries changed '71-941
SNOWDEN TOWNSHIP—Collection of school taxes '51-559
Bounty tax authorized '66-483
SOUTH FAYETTE TOWNSHIP—Additional Supervisors, election of '69-383
Sale of liquor regulated '69-407, '70-1116
Popular vote on liquor licenses '72-804
STRAYS—Advertisement and sale of. See Cattle Ch. 4680
SUPERVISOR—Duties of Act of March 15, '32, repealed '36-307
May appeal from action of Auditors '30-26
To give official bond '53-217
Pay fixed '64-863
SURVEYORS, ROAD—Pay fixed '66-227
Pay of, increased, when witnesses '70-1030, '72-669
And Civil Engineers for County, to be appointed by Court '73-155
Duties of '73-155
SWAMPS—Drainage of '70-197
SWINE—Prohibited from running at large '62-496

Allegheny County—*Continued.*

TAX COLLECTORS—Compensation of '64-863
TAXES—To be a lien on real estate '44-199
Collection of '54-571, '61-230, 390, 450, '64-316
On sales of stock repealed '67-1313
TOWN CLERK—Appointment of Ch. 4680
TOWNSHIPS—Names may be changed by Court '35-291
TRESPASS—By cattle, and damage by Ch. 2981
On orchards, etc. '53-387, '60-362
UNION TOWNSHIP—Hunting game prohibited '68-274
Foot walks '68-274, '69-625
Liquor licenses '69-407
School loan authorized '71-979
UNSEATED LANDS—Collection of taxes on Act of May 1, '61, repealed '63-528, '64-316
UPPER ST. CLAIR TOWNSHIP—School taxes '52-646
Bounty tax authorized '65-279
Bounty fund transferred to school fund '67-917
Powers and duties of road Supervisors defined '72-158
VAGRANTS—Employment of '59-624
Magistrates' costs '61-457
VERSAILLES TOWNSHIP—Additional school tax '49-480
Polling place fixed '54-272
Per capita school tax '65-222
Sale of liquor prohibited '70-1116, '71-815
VIEWERS, ROAD—Compensation fixed '66-227, '72-669
Appointment and duties of '45-52, '76-1108
WEST DEER TOWNSHIP—Election of Supervisors and repair of roads '70-191
Powers of Supervisors to levy taxes '79-678
Popular vote on liquor licenses authorized '72-804
Protection of sheep and taxing of dogs. Act of March 9, '72, repealed '78-51
WET LANDS—Drainage of '70-197
WILKINS TOWNSHIP—Polling place fixed '51-42
Bounty tax authorized '65-355
Rates and levies Act of April 15, '34, repealed '69-978
Roads Act of April 27, '71, repealed '78-24
Issue of license for, prohibited '70-1116, rep. as to
East Pittsburg formerly a part of '95-254

ARMSTRONG COUNTY.

Organized from Allegheny, Westmoreland and Lycoming Counties, March 12, 1800. Ch. 2119.

ALLEGHENY TOWNSHIP—Separate election district '49-560
Polling place fixed '50-414
Separate election district Act of March 16, '47, repealed '50-414
Additional Supervisor authorized '61-41
Election of School Directors and Supervisors '67-477
Minimum road tax of two days' work '67-685
Additional road tax '68-599
Overseers of Poor and Assistant Assessors, election of '70-187
ALMSHOUSE—See Poorhouse
ASSESSORS—Pay fixed. See Taxes '65-635
Duties of, in relation to extra assessments '73-359
BRIDGES AND ROADS '54-561
BUFFALO TOWNSHIP—See North Buffalo, South Buffalo.
Election of Constable '31-113
Division of '47-398
BURRELL TOWNSHIP—Polling place fixed '55-5
Acts of County Commissioners legalized—Bounties '68-546
COLLECTORS—See Taxes
CONSTABLES—Duties of in relation to collection of taxes '73-358
Costs to be paid before appeal taken '73-126
COWANSHANNOCK TOWNSHIP—Separate election district '49-60
Supervisors Act of April 8, '67, repealed '69-230
DAMAGES—See Road Damages
DIRECTORS OF THE POOR—Election and duties of '71-832
DOG TAX Act of April 20, '54, repealed '55-30
Authorized '67-691, '68-403, '70-1107. See '99-251
DRAINAGE of swamps and mines '68-438
ELECTION—Time of holding '45-46
Regulation of '69-205
FENCES—Act of March 27, 1784, repealed. See Act of May 31, '93-185
FRANKLIN TOWNSHIP—Polling places fixed '44-77
Duties of Supervisors '48-429
FRUIT AND GARDENS—Protection of '53-491
INDEPENDENT SCHOOL DISTRICT—At Mellville.
Act of April 4, '66, repealed '85-183
At Milton '51-142

Armstrong County—*Continued.*

JUSTICE OF THE PEACE—County divided into districts Ch. 3868
Election of '45-528
KISKIMINETAS TOWNSHIP
Election and pay of Supervisors '70-406
KITTANNING TOWNSHIP.
Election of Justices of the Peace '43-60, 104, 380
Election of school directors and supervisors '69-427
Act relating to supervisors, May 24, '71, repealed '72-129
LAND—Drainage of '68-438
MANOR TOWNSHIP—Separate election district '50-110
Erection of poor house '71-832
MILLVILLE SCHOOL DISTRICT Act repealed '85-183
MILTON INDEPENDENT SCHOOL DISTRICT—Location of '51-142
Erection of '50-186
NORTH BUFFALO TOWNSHIP—Erection of. See Buffalo '47-398
Polling places changed '70-60
Election of supervisors. Act of March 24, '71 repealed '78-36
ORCHARDS—Protection of '53-491
PAUPERS—Care and employment of '71-832
PERRY TOWNSHIP—Boundaries enlarged '43-51
Annexation of land Act of March 11, '50, rep. '57-359
PINE TOWNSHIP—Polling places fixed '42-333
Farm of John Koumerduion annexed to '53-184
School directors of, to pay county indebtedness '69-573
PLUM CREEK TOWNSHIP—Supervisors to open a certain road in '49-396
Four supervisors authorized '54-146
POOR HOUSE—Erection of '71-832
RED BANK TOWNSHIP—Polling places fixed '44-14, 76
Auditors' pay, misdemeanors, supervisors, road tax, township treasurer, unseated land tax '68-207, repealed '01-104
ROAD COMMISSIONERS—Election of '46-265
ROAD DAMAGES '27-326
ROAD VIEWERS—Number, qualification and duties of '60-52
ROADS AND BRIDGES '47-129, '54-561
SCHOOLS—Dog tax authorized for. See Dog Tax '70-1107
SHEEP—To improve breed of. See Dog Tax '45-476
Damages '67-691, '68-403, repealed '99-251, see '01-56
SOUTH BUFFALO TOWNSHIP—Erection of. See Buffalo '47-398
Election of supervisors, Act of March 24, '71, repealed '78-36, '81-104

Armstrong County—*Continued.*

SUGAR CREEK TOWNSHIP—Separate election district '44-574
Part annexed to Perry Township '43-51, '57-359
SUPERVISORS—Pay fixed '65-635
SWAMPS—Drainage of '68-438
SWINE—Act of March 27th, 1784 repealed. See Act of May 31, 1893.
TAXES to be collected by County Treasurer.—See Assessor '73-357, '85-204, 1st repealed '95-239
TOWNSHIP AUDITORS—Compensation of '73-180
Election of '56-418
VALLEY TOWNSHIP—Erection of poorhouse '71-832
Polling places fixed '64-649
VIEWERS—(Road and Bridge.) Number, qualifications and duties of '60-52
WAYNE TOWNSHIP—Polling places fixed '50-88
School directors to levy tax and pay bounties '73-641

BEAVER COUNTY.

Organized from Allegheny and Washington Counties, March 12, 1800, Ch. 2119.

ALMSHOUSE—See Poorhouse.
BIG BEAVER TOWNSHIP—Sale of lots of Commonwealth Ch. 3377, '26-350
To elect four supervisors '45-21
Erection of '50-107
Darlington Township road law extended to '70-705
Roads and supervisors '71-152
Popular vote on act relative to roads '72-855
BOROUGH TOWNSHIP—Preservation of game '46-172
School loan authorized '62-251
Bounty tax authorized '64-514, '65-402
Part annexed to Bridgewater Borough '68-390, 1118, '69-246
BRIGHTON TOWNSHIP—Election of supervisors '36-97
Separate from Fallstown Borough '31-24
Separate School District '38-612
Preservation of game '46-172
Certain lanes vacated '71-316, '72-598, 798
Certain streets vacated '72-598
Caucuses regulated '79-76

Beaver County—*Continued.*

CHIPPEWA TOWNSHIP—Election of supervisors '42-125
Lands annexed to Patterson township '69-1227
CONSTABLES—Eligibility to re-election '30-117
Duties of in relation to collection of taxes '53-5
DARLINGTON TOWNSHIP—To prevent cattle, etc., from running at large '67-1071
Election of Justices of the Peace '47-136
Land of D. A. McKean annexed to Little Beaver School District, Lawrence County '68-1067, '70-317
Roads and Supervisors '71-152, '72-855
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ECONOMY TOWNSHIP—Two election districts '44-578
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Polling place fixed '44-77, '49-114, '54-173, '57-23
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INDUSTRY TOWNSHIP—Election districts erected '51-426
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ROCHESTER TOWNSHIP—Erection of '40-341
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SOUTH BEAVER TOWNSHIP—Election of supervisors '41-71, '52-47
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BEDFORD COUNTY.

Organized from a part of Cumberland County, March 9, 1771, Ch. 629.

AIR TOWNSHIP—Polling place fixed '50-331
ALMSHOUSE—See Poorhouse.
APPRAISERS FOR LINE FENCES. Act of March 27th, 1784, repealed '73-665
AUGHWICK TOWNSHIP—Polling place fixed '50-331
BEDFORD TOWNSHIP—Cattle running at large. Act April 10th, '73, repealed '74-294
BETHEL TOWNSHIP—Polling place fixed '42-44, '50-331
BRIDGES AND ROADS— Act of April 9, '70, repealed '71-423
BROAD TOP TOWNSHIP—Polling place fixed '49-560, '51-602
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DIRECTORS OF POOR—To levy and collect poor tax '52-285
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Duties of, in relation to collection of taxes '68-1017
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MIDDLE WOODBURY TOWNSHIP—
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MONROE TOWNSHIP—Polling place fixed '51-40
NAPIER TOWNSHIP—School district enlarged '41-306
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NORTH WOODBURY TOWNSHIP—Polling place changed '44-577
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POOR FARM—Title to be in commissioners '72-658
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SOUTHAMPTON TOWNSHIP—Polling place fixed '42-322
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SOUTH WOODBURY TOWNSHIP—
Polling place fixed '42-49, '44-573, '49-559, '51-265, '52-274
SUPERVISORS—Duties of, relative to paupers '41-128
Settlement of accounts of '32-252
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Organized from parts of Philadelphia, Chester and Lancaster Counties, March 11, 1752, Ch. 392.

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ALSACE TOWNSHIP—Part annexed to Cumru Township '50-441
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AMITY TOWNSHIP—Taxes to be collected by lowest bidder '48-444
School loan authorized '51-240
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ASSESSORS Act of July 7, '42, repealed '47-133
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To commence their duties first Monday in April '71-1299
ASSISTANT ASSESSORS—Pay fixed '69-581
AUDITORS—See Township Auditors.
Appointed by Court, pay fixed '45-358
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BERN TOWNSHIP—Polling place fixed, '42-45, 326, '43-48, '49-560, '50-703
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BETHEL TOWNSHIP—Taxes to be collected by lowest bidder '52-154
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Collection of taxes by lowest bidder '52-155

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COLEBROOKDALE TOWNSHIP—Road damages '45-328, '47-95
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CUMRU TOWNSHIP—Real estate of county, liable for road tax '48-338
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DIRECTORS OF POOR—Authorized to administer oaths '27-159
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DISTRICT TOWNSHIP—Collection of taxes '68-395
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DOGS—Hunting deer with, prohibited '59-220
DOUGLASS TOWNSHIP
School trustees authorized to sell lands '27-334
Lowest bidder to collect taxes '48-444
Polling place fixed '50-466
EARL TOWNSHIP—Bounty tax authorized '66-972
ELECTIONS regulated '51-450, '73-475
EXETER TOWNSHIP—Polling place fixed '50-413
Collection of taxes by lowest bidder '52-155
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FRUIT—Protection of '55-55, '60-362
GARDENS—Protection of '55-55, '60-362
GREENWICH TOWNSHIP—Collection of taxes '51-243
Polling place fixed '53-294
Bounty tax authorized '65-615
HAYCREEK TOWNSHIP—Erection of '46-54
HEIDELBERG TOWNSHIP—Election of constable '25-66
Separate district '36-20
Polling place fixed '43-55, '44-573, '54-872
HEREFORD TOWNSHIP—Polling place fixed '42-43
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JEFFERSON TOWNSHIP—Polling place fixed '52-127
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JUSTICE OF THE PEACE—County divided into districts Ch. 3868
Duties of, in relation to paupers '24-204
LONGSWAMP TOWNSHIP—Polling place fixed '42-333
Lowest bidder to collect taxes '52-154
LOWER HEIDELBURG TOWNSHIP—Polling place fixed '44-80, '50-413
To prevent cattle, etc., from running at large '71-1293
MAIDEN CREEK TOWNSHIP—Lowest bidder to collect taxes '48-444
To prevent cattle, etc., from running at large '66-562, '70-1125
MARION TOWNSHIP—Polling place fixed '44-243
Erection of new township '45-43
Assessors to collect taxes '65-291
MAXATAWNY TOWNSHIP—Collection of taxes '51-243, '63-217
Erection of school district '61-247
Protection of a certain sidewalk '63-386
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Footpath across Saccony creek, protection of '70-606
To prevent cattle, etc., from running at large '70-1170, '71-1295
MUHLENBURG TOWNSHIP—Polling place fixed '51-43
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Supervisors to give bonds '51-240
School loan authorized '52-38
NORTH HEIDELBURG TOWNSHIP—Polling place fixed '51-450
Bounty tax Act of March 26, '67, repealed, '68-912
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OLEY TOWNSHIP—Lowest bidder to collect taxes '48-444
School loan authorized '51-240
Part of Ruscomb Manor annexed to '51-242
Part of Amity Township annexed to '52-154
Construction of certain drain '51-497, '68-1058
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ONTELAUNEE TOWNSHIP—See Supervisors
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PAUPERS—Maintenance of Ch. 3714, '24-204
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PENN TOWNSHIP—Separate election district '42-45, 451
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PERRY TOWNSHIP—Erection of '50-142
Lowest bidder to collect taxes '53-401
PIKE TOWNSHIP—Polling place changed '43-56
POOR DIRECTORS—See Directors of Poor—Paupers.
POORHOUSE—Erection of '24-204
Lands adjoining may be leased for mining purposes '68-1060
RICHMOND TOWNSHIP—Lowest bidder to collect taxes '54-249
Bounty tax authorized '64-1025
Cattle, etc., running at large '70-1170
ROAD TAX—One-half to be worked out before Sept. 1st '30-27
ROADS—Opening and repair of '56-454
ROAD SURVEYS to be recorded Ch. 3284
ROAD VIEWERS—Expenses of '44-103, '53-120
ROBESON TOWNSHIP—Part annexed to Union Township '34-480
Erection of new townships '46-54
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Supervisors to subscribe for turnpike road stock '47-293
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ROCKLAND TOWNSHIP—Lowest bidder to collect taxes '53-121
RUSCOMBMANOR TOWNSHIP—Part annexed to Oley Township '51-242
Collection of taxes '52-154, '62-130
SHEEP—See Dog Tax.
SPRING TOWNSHIP—Polling place fixed '51-148
Collection of taxes Act of April 23, '52, repealed '54-272
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Cattle, etc., running at large '71-1293
SUPERVISORS to take charge of Little Conestoga Turnpike Road, '42-328
May appeal from finding of Auditors '30-27
Pay fixed '65-609, '69-581
TAXES—See Assessors.
TOWN CLERK—Election of Ch. 3899
TOWNSHIP AUDITORS—Pay fixed '65-609, '69-581
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Supervisors may appeal from '30-27

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Survey of '45-358, '51-498
TRESPASS on orchards, gardens, etc., penalty for '55-55, '60-362
UNION TOWNSHIP—Part of Robeson Township annexed to '34-480
Polling place fixed '42-53, 326
Elections regulated '44-78
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UPPER BERN TOWNSHIP—Polling place fixed '42-45
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UPPER TULPEHOCKEN TOWNSHIP—Polling place fixed '52-128
Election of Justice of the Peace '44-576
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WASHINGTON TOWNSHIP—Bounty tax authorized '64-1025
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BLAIR COUNTY.

Organized from parts of Huntingdon and Bedford Counties, February 26, 1846, P. L. Page 64.

ALLEGHENY TOWNSHIP—Pay of supervisors and auditors fixed, '65-654
Cash road taxes, repair of roads by contract '51-401, '52-146
Swine running at large '67-738, '69-811
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Boundaries extended '52-253
ANTIS TOWNSHIP—Road taxes '50-323, '52-146
Bounty tax authorized '66-834
Supervisors' and Auditors' pay fixed '68-601
BLAIR TOWNSHIP—Part of, attached to Hollidaysburg School District '46-227, '52-302
Hunting deer with dogs prohibited '52-300, '57-606
Part attached to Allegheny Township '52-253
Swine running at large Act of April 11, '66, repealed '70-123
CATHARINE TOWNSHIP—Independent School District erected '70-1084
DIRECTORS OF THE POOR—Election and duties of '48-323
Pay fixed '52-377, 446, '57-606
Sale of Poor Farm '52-254

Blair County—*Continued.*

DOGS—Hunting deer with, prohibited '57-606
Taxation of Act of May 20, '57, repealed '59-192
distribution of proceeds '65-196
ELECTION—Time of holding '48-196
FRANKSTOWN TOWNSHIP—Separate School District '37-263
Hunting deer with dogs, prohibited '52-300, '57-606
Certain lands annexed to, for schools '63-253
FRUIT—Protection of '55-169, 234, '61-478
GREENFIELD TOWNSHIP—Polling place fixed '52-68
Dog tax repealed '58-312
HOGS—See Swine.
HUSTON TOWNSHIP—Hunting deer with dogs prohibited '52-300
JUNIATA TOWNSHIP—Election of Justice of the Peace '49-133
Polling place fixed '54-194, 272
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LOGAN TOWNSHIP—Polling place fixed '51-49
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NORTH WOODBURY TOWNSHIP—Hunting deer with dogs prohibited '52-300, '57-606
Dog tax repealed '58-312
Bounty tax authorized '66-284
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ORCHARDS—Protection of '55-169, 234, '61-478
OVERSEERS OF THE POOR abolished '48-326
POOR DIRECTORS—See Directors of the Poor.
POOR HOUSE—Election of '47-326, '48-323
ROAD AND BRIDGE VIEWERS—Pay fixed '57-606
SCHOOL DIRECTORS may condemn land for school houses '65-582
SHEEP Act of May 20, '57, repealed '59-192
SNYDER TOWNSHIP—Polling place fixed '52-146
Dog tax repealed '58-312
Pay of supervisors and auditors fixed '69-601
To prevent growth of noxious weeds '70-998
SWINE—Running at large Act of April 11, '66, repealed '70-123
TAYLOR TOWNSHIP—Dog tax repealed '58-312
TRESPASS ON ORCHARDS, GARDENS, ETC.—
Penalty for '55-169, 234, '61-478

Blair County—*Continued.*

TYRONE TOWNSHIP—Polling place fixed '49-555
Cash road tax authorized '67-1050
To prevent growth of noxious weeds '70-998
VIEWERS—Road and Bridge—Pay fixed '57-606
WOODBURY TOWNSHIP—Road taxes
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BRADFORD COUNTY.

Ontario County, organized from parts of Luzerne and Lycoming Counties, February 21, 1810. Chap. 3147; name changed to Bradford County in 1812. Chapter 3513.

ALBANY TOWNSHIP—Polling place fixed, '30-312, '43-56, '48-461, '52-38
ALMSHOUSE—See Poorhouse.
ARMENIA TOWNSHIP—Polling place fixed '44-78, '47-151, '48-57
Separate election district '44-19
Elections regulated '46-21
ASSESSORS not required to attend elections '44-220
ASYLUM TOWNSHIP—Time fixed for settlement of accounts '36-448
Polling place fixed '40-339, '44-574
Assessment of taxes in '50-30
Erection of poorhouse authorized '63-234, '72-818
ATHENS TOWNSHIP—Additional constable in Milltown '29-340
Sale of lands by trustees confirmed '27-147, '35-222, '43-179
Election, borough, time of holding, '42-333
Election of trustees '35-320, '58-75
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Boundaries extended '55-294
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School Purposes—Dog taxes for '65-720
Sheep—Protection of '73-489, '83-165
Tax, dog '65-720, '73-489, '83-165
Trustee authorized to sell land '27-147, '35-222, '43-179
Trustees—Township, election of '35-220, 58-75
Town Hall—Road Commissioners to erect '73-400
BARCLAY TOWNSHIP—Assessment and collection of taxes '71-971
BRIDGE VIEWERS—Appointment of '65-203

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BRIDGES—How repaired. See North Branch Canal '44-200
Approaches to, when to be built by County '69-47
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In what cases the County to build '70-146, 1308, 73-396
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BURLINGTON TOWNSHIP '26-405, '38-611
CANADA THISTLES Act of March 22, '62, repealed, '67-608
CANTON TOWNSHIP—Polling place fixed '32-416, '54-3, 58-1
Auditors to meet first Monday in May '66-817
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CATTLE—Prohibited from running at large '64-369
Protection of, from railroad '69-1125
COLLECTOR—See Taxes.
COLUMBIA TOWNSHIP—Election of constables '31-468, '47-427
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COUNTY BRIDGES. Act of March 18, '69, repealed, '70-146, 1308, '73-396
Court, Grand Jury and County Commissioners to act on petitions for '70-146
DAMAGES—See Roads.
DRAINAGE of wet and spouty lands '63-293
DURELL TOWNSHIP—Election legalized '43-375
Polling place fixed '43-48, '49-558
ELECTION OFFICERS—Compensation of '47-422, '70-843, '73-146
ELECTIONS—Time of holding '39-598, '40-76, '47-58, '64-20, 743
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Regulated '44-220, '51-275, '64-743
FRANKLIN TOWNSHIP—Time of holding township elections '36-97
Polling place fixed '36-439
Application of unseated land tax '41-361
Taxes Act of May 6, '41, repealed '44-138
FRUIT—Protection of '55-55, '61-478
GARDENS—Protection of '55-55, '61-478
GRANVILLE TOWNSHIP—Polling place fixed '31-482, '44-574
Re-audit of accounts '58-157
HERRICK TOWNSHIP—Polling place fixed '38-606, '50-87
Road commissioners to have jurisdiction over State road '61-202
Bounty tax authorized '65-513
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HOGS—See Swine.

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HORSES prohibited from running at large '64-369
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LAND—Drainage of '63-293
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LEROY TOWNSHIP—Duties of supervisors '44-138
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One of the three original counties organized in 1682.

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Organized from part of Allegheny County, March 12, 1800. Ch. 2119.

ADAMS TOWNSHIP—Polling place fixed '54-313
Cranberry Township line defined '63-417
Cattle, etc. running at large '66-737
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ALLEGHENY TOWNSHIP—Polling place fixed '54-312
Land of E. Robinson attached to Hovey School District in Armstrong County '67-1552
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BRADY TOWNSHIP—Polling place fixed '54-313
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BUFFALO TOWNSHIP—Polling place fixed '54-312
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Repairing roads by contract—Election of Road Commissioners '73-628
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BUTLER TOWNSHIP—Polling place fixed. See South Butler—North Butler '49-545, '50-26, 111, '51-533, '54-312
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CENTER TOWNSHIP—Polling place fixed '44-21, '54-312
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Bounty tax authorized '68-441
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CHERRY TOWNSHIP—Erection of '40-79
Slippery Rock Township line established '42-334
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CLAY TOWNSHIP—Polling place fixed '54-313
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CLEARFIELD TOWNSHIP—Polling place fixed '54-312

CLINTON TOWNSHIP—Polling place fixed '54-312
Bounty tax Act of March 23, '65, repealed '66-261
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CONCORD TOWNSHIP—Polling place fixed '69-708

CONNOQUENESSING TOWNSHIP—Election of additional constable '29-84
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CRANBERRY TOWNSHIP—Polling place fixed '54-313
Adams Township, line defined '63-417
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Cattle, etc. running at large '69-670
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CROW AND SQUIRREL SCALPS—Bounty on Ch. 3290, '31-137
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DONEGAL TOWNSHIP—Polling place fixed '54-312
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Overseers of Poor authorized to sell certain lands in Millertown '74-403
Unseated land tax to be paid in cash '44-21
ELECTION of township officers '54-169, 311, '68-1053
FAIRVIEW TOWNSHIP—Polling place fixed '54-312
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FORWARD TOWNSHIP—Polling place fixed '54-313
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JACKSON TOWNSHIP—Polling place fixed '54-313
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MARION TOWNSHIP—Polling place fixed '54-313
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MERCER TOWNSHIP—Polling place fixed '54-313
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MIDDLESEX TOWNSHIP—Polling place fixed '42-331, '54-312
Additional road tax '46-94
Cattle, etc. running at large '70-431
MUDDY CREEK TOWNSHIP—Polling place fixed '42-46, '54-313
NORTH BUTLER—Four Supervisors authorized. See Butler '50-84

Butler County—*Continued.*

OAKLAND TOWNSHIP—Polling place fixed '54-312
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SHEEP—To improve the breed of. See Dog Tax Ch. 3867
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TOWNSHIP OFFICERS—Election of '54-169, 311, '68-1053
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TRESPASS ON ORCHARDS, etc. '55-234, '67-907
UNSEATED LANDS—Treasurer's sale of Ch. 4325
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Cattle, etc. running at large '73-650
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Butler County—*Continued.*

WASHINGTON TOWNSHIP—Polling place fixed '50-111, '54-312
Cattle, etc. running at large '72-280
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WORTH TOWNSHIP—Polling place fixed '54-313
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CAMBRIA COUNTY.

Organized from parts of Huntingdon and Somerset Counties, March 26, 1804. Ch. 2592.

ALLEGHENY TOWNSHIP—Separate school district '49-528
Polling place fixed '54-107
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ASHLAND TOWNSHIP—Election of School Directors '50-345
BLACK LICK TOWNSHIP—Polling place fixed '51-40, '53-59
BOARD OF REVISION OF TAXES '60-232, '71-665
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CARROLL TOWNSHIP—Polling place fixed '54-49
CHEST TOWNSHIP—Polling place fixed '54-145
CLEARFIELD TOWNSHIP—Separate school district '49-528
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Polling place fixed '44-18, 574
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CONSTABLES—Election of '44-409
Duties of, in relation to collection of taxes '72-994
CROYLE TOWNSHIP—Erection of '59-150
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MUNSTER TOWNSHIP—Polling place fixed '54-348
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POOR DIRECTORS—See Directors of the Poor
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ROAD VIEWERS—Number fixed at three, one to be a surveyor—pay fixed '73-258
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A separate school district '60-510
SUPERVISORS to apply three-quarters of road tax before Sept. 1st '35-370
To perform duties of Overseers of the Poor '54-784
To increase pay of '67-1000
To provide for the storage of powder '73-674
SURVEYORS—See Road Viewers
TAX SALES—Caveat emptor to apply '67-1008
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TAYLOR TOWNSHIP—Polling place fixed '60-600
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WASHINGTON TOWNSHIP—Election of Justice of the Peace '43-60, 104
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CAMERON COUNTY.

Organized from Clinton, Elk, McKean and Potter Counties, March 29, 1860, P. L. 697.

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GIBSON TOWNSHIP—Bounty tax authorized '66-343
To appropriate certain moneys to repair State roads and bridges thereon '77-89
GROVE TOWNSHIP—Bounty tax authorized '66-343
ORCHARDS—Protection of '71-570
PORTAGE TOWNSHIP—Part of Sylvania Township, annexed to '71-1002
ROAD COMMISSIONERS—Act repealed '66-907
SHIPPEN TOWNSHIP—Polling place fixed '63-15
Special tax to open a certain road '66-503
SYLVANIA TOWNSHIP—Part of, annexed to Portage Township '71-1002
TRESPASS on orchards, etc. '71-570

CARBON COUNTY.

Organized from parts of Northampton and Monroe Counties, March 13, 1843, P. L. 85.

ADDITIONAL ASSESSMENTS—Tax Collectors may make '61-221
BANKS TOWNSHIP—Polling place fixed '44-18
Separate school district '49-529
To regulate granting of licenses '51-447
Loan authorized '68-243
School loan authorized '69-123, '70-109
School bonds exempt from taxation '70-109
BRIDGE VIEWERS—Duties of '57-335
BRIDGES—County to maintain approaches to '62-98
COLLECTION OF TAXES—See Taxes '44-110, '66-966
DIRECTORS OF THE POOR—Election of '55-294
Pay of '56-150
Duties of '55-294, '60-619, '61-161
DOGS—Hunting deer and elks with, prohibited '48-223

Carbon County—*Continued.*
ELECTION OFFICERS—
Compensation of Act of January 25, '53, repealed '83-4
ELECTIONS regulated '52-39, '63-535
FRANKLIN TOWNSHIP—Polling place fixed '51-40, '52-568
Erection of Poor House '63-258
School per capita tax to pay bounties '68-758
Re-audit of accounts '72-1119
FRUIT—Protection of '61-478
GARDENS—Protection of '61-478
KIDDER TOWNSHIP—Polling place fixed '49-508
Divided into two election districts '73-201
LAUSANNE TOWNSHIP—Boundaries fixed '44-599
Separate school district '49-529
LOWER TOWAMENSING TOWNSHIP—
Cattle, etc. running at large '71-205
School Directors authorized to collect a bounty tax '72-823
MAHONING TOWNSHIP—Packerton Independent School District erected '72-1165
MAUCH CHUNK TOWNSHIP—Boundaries fixed '44-599
Additional constable '49-133
Polling place fixed '50-87
Divided into two election districts '50-790
Separate school district '50-612, '51-103
Erection of a lock-up at Summit Hill '60-375, '73-631
Repairing roads by contract '63-108, '67-384
Election of Supervisors '66-198
MIDDLE COAL FIELD POOR DISTRICT—Organized '62-178, '71-1349
How boroughs and townships may be annexed to '72-212, '01-76
To regulate '73-683
NESQUEHONING TOWNSHIP—Supervisors authorized to erect a lock-up '73-631
ORCHARDS—Protection of '61-478
OVERSEERS OF THE POOR—Pay fixed '67-1102
PACKER TOWNSHIP—Election legalized '48-481
School bonds legalized '73-656
PACKERTON INDEPENDENT SCHOOL DISTRICT erected '72-1165
PENN FOREST TOWNSHIP—Polling place fixed '49-508, '50-87
POOR DIRECTORS—See Directors of the Poor
POOR DISTRICT—See Middle Coal Field
POOR HOUSE—Erection and management of '55-294
POOR TAXES—Levy and collection of '60-619, '61-161
Special levy '56-8

Carbon County—*Continued.*

ROADS—Court of Monroe County to confirm certain '45-450
ROAD TAXES—Collection of '44-110
ROAD VIEWERS—Duties of '57-335
SUPERVISORS—To act as Overseers of the Poor '43-393
To appoint tax collectors '44-110
To give official bond '55-488
Pay fixed '67-1102
TAX COLLECTORS may make additional assessments '61-221
TAXES, POOR—levy and collection of '60-619, '61-161
Collection of '44-110, '66-966
TOWNSHIP AUDITORS—Pay fixed '67-1102
TRESPASS on orchards, gardens, etc., penalty for '61-478
UNSEATED LANDS—Sale of '45-492, '71-1341
VIEWERS—Road and bridge, duties of '57-335
VOTERS—See Elections

CENTRE COUNTY.

Organized from parts of Huntingdon, Lycoming, Northumberland and Mifflin Counties, February 19, 1800. Ch. 2287.

ASSESSMENTS—Time of making '49-548, '50-691
BENNER TOWNSHIP—Polling place fixed '57-22
Repairs of roads '66-496
BOGGS TOWNSHIP—Fishing in Bald Eagle Creek regulated '57-73
Erection of Poor House '70-1088, '71-98
BRIDGE VIEWERS—Three to be appointed, one to be a surveyor '59-165
BRIDGES—County Commissioners authorized to repair '72-1063
Act of April 13, '43, repealed '44-86
BURNSIDE TOWNSHIP—Poor taxes on unseated lands '71-693
Polling place fixed '60-23
CONSTABLES—Election of '27-24
Eligible to re-election '44-409
DIRECTORS OF THE POOR—Election, powers and duties of '55-392
DOGS—Hunting deer with, prohibited
'50-663, '51-454, '56-182, '68-245, '74-291
ELECTIONS regulated '49-89
FENCES—Railroad companies to maintain '68-779
FRUIT TREES—Protection of '58-111, '67-907
GREGG TOWNSHIP—Bounty tax authorized '66-721

Centre County—*Continued.*

HAINES TOWNSHIP—To subscribe for stock of Bald Eagle, Nittany & Brush Valley Railroad Company '42-106
Bounty tax authorized '66-37
HALFMOON TOWNSHIP—Polling place fixed '43-53, '44-77
HARRIS TOWNSHIP—Loan authorized '52-448
HENRYSBURG BOROUGH—Water tax '30-4
HOWARD TOWNSHIP—Election of officers—Special tax authorized '73-531
JONES INDEPENDENT SCHOOL DISTRICT—Erection of '73-645
LAND—Taxes a lien on '50-453
MARION TOWNSHIP—Erection of '40-86
MILES TOWNSHIP—Supervisors authorized to subscribe for railroad stock '41-334
Tax to pay for railroad stock authorized '42-106
Part of Wayne Township, Lycoming County, annexed to Ch. 4592
Bounty tax authorized '66-340
Polling place fixed '44-14, 77 '62-112
MILESBURG SCHOOL DISTRICT—Loan authorized '62-340
ORCHARDS—Protection of '58-111, '67-907
OVERSEERS OF THE POOR abolished '55-396
PAUPERS—Care and employment of '55-392
POOR HOUSE—
Erection of in Milesburg and Boggs Township '70-1088, '71-98
Erection of '55-392
POOR TAXES ON UNSEATED LAND—Collection of '72-152
ROAD TAX—One-half to be worked out before September 1st '30-25
ROAD VIEWERS—Appointment and duties of 73-402
ROADS Act of April 13th, '43, repealed '44-86
RUSH TOWNSHIP—Polling place fixed '44-243
SHEEP—To improve breed of Ch. 3779
SHEEP AND SWINE
Destroyed by railroad, recovery of damages for '68-779
SNOW SHOE TOWNSHIP—Poor taxes on unseated lands '71-693
SUPERVISORS—To remove obstructions in navigable streams Ch. 5111
Authorized to collect road tax Ch. 4873
To work road tax before September 1st '30-25
To perform duties of Overseers of the Poor '55-396
TAYLOR TOWNSHIP—Poor taxes on unseated lands '71-693
TOWNSHIP AUDITORS—Election and duties of '30-26
TREES—Protection of '58-111, '67-907

Centre County—*Continued.*

VIEWERS OF ROADS AND BRIDGES
Appointment and duties of '59-165, '73-402
WALKER TOWNSHIP—Supervisors authorized to subscribe for railroad stock '41-334
Bounty tax authorized '69-1214
WORTH TOWNSHIP—Poor tax on unseated lands '71-693
Polling place changed '64-679

CHESTER COUNTY.

One of the three original counties organized in 1682.

ASSESSMENT OF TAXES regulated '42-304, '46-250
BIRMINGHAM TOWNSHIP—Dog tax repealed '43-285
Election of supervisors '44-287
Dog tax '46-331
Streets and roads, laying out, opening and repair of '50-646
West Marlborough road law extended to '71-992
Supervisors to let repairs to roads by contract '72-1040
Roads Section 3 of Act of April 9, '72, repealed '73-577
BRADFORD TOWNSHIP—Opening of roads '48-105
BRANDYWINE TOWNSHIP—Act for repairing of roads by contract, repealed '42-75
BRIDGES—Between townships, repairs on—inspection of bridges '69-173
CALN TOWNSHIP—Maintenance of roads. See East Caln—West Caln '69-384
Taxation of dogs Act of April 14, '46, repealed '70-122
CATTLE—Prohibited from running at large See Strays '55-351, '63-322, '68-573
CHARLESTON TOWNSHIP—Dog tax '50-176, repealed 1903-289
Roads and bridges Act of February 10th, '65, repealed '85-8
COCHRANVILLE SCHOOL DISTRICT—Erection of '63-421
Loan authorized '64-51
Abolished '64-816
CONSTABLES—Fees fixed '54-597, '65-721
Duties in relation to collection of taxes '68-595
COVENTRY TOWNSHIP—Duties of Auditors and Supervisors '40-547
Dog tax repealed '40-546
DIRECTORS OF THE POOR—Duties and election of Ch. 1960, '24-206
Empowered to bind out apprentices Ch. 2405
To furnish estimates to county commissioners Ch. 2786

Chester County—*Continued.*

Number of, reduced to three—to publish annual statement Ch. 3257
Authorized to appoint a clerk Ch. 4769
May administer oaths '31-127
Sale of property of paupers '40-731
Authorized to sell real estate of Ann Boyers '44-189
Term to begin January 1st '55-75
May grant relief without intervention of Justices of the Peace '49-94, '69-1146
DOGS—Trespassing, may be killed '31-496
Registration of '54-286
DOG TAX Ch. 3048, 5026, '31-496, '43-285, '45-204, '47-255
EAST BRADFORD TOWNSHIP—Dog tax repealed '43-285
Dog tax '46-331
Opening and maintenance of roads '48-187, '49-132
Sale of school house and lot '50-200, '53-121
Bounty tax authorized '69-691
Road repairs '59-179, '71-1145, '89-174
EAST BRANDYWINE TOWNSHIP—Dog tax '52-117
Polling place fixed '44-574, '54-357
Special school tax authorized '69-627
Relative to road repairs Act of February 9, '66, repealed '72-678
EAST CALN TOWNSHIP—Election of constable—See Caln '32-148
Dog tax '47-255
Collection of school taxes '50-100
Repairing of roads '62-95, repealed '95-285
EAST COVENTRY TOWNSHIP—Election of Supervisors and Justices of the Peace '45-188
EAST FALLOWFIELD TOWNSHIP—Repairing roads by contract repealed '42-75
Opening roads and building bridges '46-51
Dog tax '47-255
Roads, Act of March 16, '66, repealed, general road law adopted '71-592
Election of Supervisor Act of May 6, '71, repealed '72-669
EAST GOSHEN TOWNSHIP—Dog tax repealed '43-285
Roads Act of March 27, '39, repealed '41-89
Dog tax '46-331
EAST MARLBOROUGH TOWNSHIP—Road repairs '43-286
Dog tax '45-204, '46-331
Opening and repairs of roads and erection of bridges '59-186 repealed '97-182

Chester County—*Continued.*

EAST NANTMEAL TOWNSHIP—Dog tax repealed. See Nantmeal '42-103
Repairing roads by contract repealed '42-75
School and road taxes Act of June 23, '42 repealed '43-332
Polling place fixed '43-55
Land of Levi Bull attached to '49-529
EAST NOTTINGHAM TOWNSHIP—Dog tax '57-179, '65-493
Duties of Auditors '44-509
Roads Act of March 27, '39, repealed '41-90
Repealing all taxes on dogs, killing of same authorized '72-288
Taxation of dogs and reduction of debt '73-721
EAST PIKELAND TOWNSHIP—Dog tax repealed '42-103
Roads Act of March 27, '39, repealed '41-90
Dog tax. See Act of June 6, '93-334 '51-236
EAST VINCENT TOWNSHIP—Duties of Auditors and Supervisors '40-547
Roads Act of March 27, '39, repealed '41-89
Dog tax See Act of June 6, '93-334 '40-546, '51-236
EAST WHITELAND TOWNSHIP—Additional school tax '46-373
Roads Act of March 27, '39, repealed '41-90
Dog tax '49-501, '50-176
Surplus payable to school fund '49-501
ELECTIONS regulated '55-99
ELK TOWNSHIP—All special road laws repealed '70-147
FRANKLIN TOWNSHIP—Polling place fixed '63-2
Tax on dogs '53-465
Roads Act of April 11, '54, repealed '68-275
FRUIT—Preservation of '55-234
GARDENS—Protection of '55-234
HIGHLAND TOWNSHIP—Polling place fixed '54-16
HOGS—See Swine.
HONEYBROOK TOWNSHIP—Road repairs '43-286
Dog tax repealed '43-285
Act of April 14, '46, repealed. See Act of May 15, '93-47
Bounty tax authorized '65-111
Laying tax on dogs for protection of sheep '72-1105
JUSTICES OF THE PEACE—Duties of in relation to paupers '24-206
KENNETT TOWNSHIP—Dog tax '47-255
Repairing of roads '48-187, '53-115, '89-178
LONDON BRITAIN TOWNSHIP—Dog tax repealed '43-285
Roads and bridges '60-134

Chester County—*Continued.*

LONDON GROVE TOWNSHIP
Repairs of roads '42-75, '45-262, repealed 1903, 240
Dog tax '51-236
Title to school house and lot '53-175

LONDONDERRY TOWNSHIP—Taxation of dogs '67-400
Roads Act of March 27, '39, repealed '41-90

LOWER OXFORD TOWNSHIP—Repairing roads by contract, repealed '42-252
Auditors to assign repairs of roads to land owners '43-335
Repairs of roads Part of Act of April 18, '43, repealed '57-213
Dog tax '64-126

NANTMEAL TOWNSHIP—Annexation of Levi Bull's farm. See East Nantmeal—West Nantmeal Act repealed '53-189
Levy and collection of school tax '46-373

NEW GARDEN TOWNSHIP—Repairing roads by contract repealed '42-75
Election and duties of Supervisors '45-129, 130
Dog tax '52-117

NEWLIN TOWNSHIP—Repairing roads '43-286
Dog tax '46-331
Opening and maintenance of roads—bridges '60-134, rep. '99-239
Erection of town house '68-585

NEW LONDON TOWNSHIP—Repairing roads by contract, repealed '42-75
Polling place fixed '44-241
Opening and repairing of roads and erection of bridges '59-186, repealed 1901-139
Protection of sidewalks '60-215
Dog tax authorized '69-408

NORTH COVENTRY TOWNSHIP—Separate election district '42-55
Roads Act of March 27, '39, repealed '41-89
Election of Supervisor '49-125

NOXIOUS WEEDS—Prevention of '67-336

ORCHARDS—Preservation of '55-234
Overseers of Poor abolished Ch. 1960

PAUPERS—Care and employment of Ch. 1960, '24-206
Disposal of property of '40-731
Admission of, to poorhouse '49-94
Relief of '69-1146
How settlement acquired '50-697

Chester County—*Continued.*

PENN TOWNSHIP—School Directors authorized to sell land '47-202
Roads Act of March 27, '39, repealed '41-89
Dog tax authorized '58-409
Opening of roads—bridges '60-134
Roads and bridges Act of February 12, '59, repealed '85-26
PENNSBURY TOWNSHIP
Election and duties of Supervisors '45-129, 130
Act of May 11, '45, repealed See Act of May 31, '93-186
Assessment and collection of school tax '45-187, 207
Election of Supervisors, building bridges and opening roads by contract '50-234
Act of March 22, '50, repealed See Act of May 15, '93-49
Taxation of dogs '57-179
POCOPSON TOWNSHIP—Building bridges and opening roads by contract '50-234
Dog tax—Election and powers of Supervisors '50-234
Polling place fixed '50-88, '52-117
Repair of roads '65-306
Election of Supervisors '70-126
POOR DIRECTORS—See Directors of the Poor.
POOR HOUSE—Erection of Ch. 1960
Treasurer abolished—Duties and pay of steward and matron Ch. 3257
Steward may administer oaths to witnesses '40-731
REGISTRATION OF DOGS '54-286
ROAD TAXES—Assessment of '42-304
ROADS—Repairs of. See Supervisors '39-191, '41-295, '42-252, '43-285, '53-428
Expenses of laying out Acts of April 27, '55 and April 28, '57, repealed '62-334
Maintenance of '69-173
Opening of '69-173, '71-764
ROAD VIEWERS to give notice to Supervisors '58-359
Compensation and duties '57-338, '71-764
SCHOOL DIRECTORS—Authorized to condemn land '54-671, '60-664
SCHOOL TAXES—Collection of '45-186, '52-383
SCHUYLKILL TOWNSHIP—Sale of school lot '49-330
Roads Act of March 27, '39, repealed '41-89
Dog tax '55-70, '56-612, '91-56
Bounty fund transferred to school fund '67-330
School district, title to certain land vested in '70-442
Additional school tax '44-347

Chester County—*Continued.*

SHEEP—To improve breed of. See Dog Tax Ch. 3048, 3867
Prohibited from running at large. See Strays '55-351, '63-322, '68-573
SOUTH COVENTRY TOWNSHIP—Number of Justices of the Peace and Supervisors to be elected '47-259
Act of March 6, '49, repealed See Act of May 15, '93-48
Roads, opening and maintenance of '60-165
Act of March 27, '39, repealed '41-89
Dog tax '68-433
Roads Act of March 14, '60, repealed '68-659
Offices of Constable and Assessor consolidated '69-219
SPRINGTON TOWNSHIP—Name changed '52-570
Polling place fixed '52-381, 455
SUPERVISORS—Duties of in relation to paupers.
See Roads Ch. 1960, 2387
To repair roads at cost of contractors '41-295
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To give official bond '55-488, '70-278
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Pay fixed '68-246
Duties of '69-173
SWINE—Prohibited from running at large. '63-322, '68-573
TAXES—Collection of,
'45-186, '49-167, '52-383, '68-595, '69-553, '72-820, '85-204
Assessment of '42-304, '46-250
THORNBURY TOWNSHIP—Dog tax repealed '43-285
Dog tax '46-331
School District erected '52-504
Boundaries extended '64-509
Opening and maintenance of roads '52-350
Land of S. J. Sharpless annexed to '63-404
Repairing roads by contract '73-477
Supervisors, election and duties of '73-476
TOWN CLERK—Election of Ch. 2865
TOWNSHIP AUDITORS—Pay fixed '68-246
Election and duties of '31-339
TREDYFFRIN TOWNSHIP—Polling place fixed '43-50
Repair of roads Act of March 27, '39 repealed, '40-401
Additional school tax '46-373
Dog tax '50-176. Repealed by Act May 31, '93
TRESPASS on orchards, etc. '55-234
By dogs '31-496

Chester County—*Continued.*

UNION SCHOOL DISTRICT erected '61-518

UPPER OXFORD TOWNSHIP—Repairing roads by contract, repealed '42-75

Dog tax '61-601

School loan authorized '64-792

UWCHLAN TOWNSHIP—Additional school tax '46-373

Dog tax '46-331

Repair of roads '41-39, '65-336

Roads Act of March 14, '64, repealed '71-608

VALLEY TOWNSHIP—Dog tax '53-75

Polling place fixed '53-75

Roads Act of April 11, '54, repealed '57-33

Lock-up at Coatesville '60-258

School loan authorized '65-437

Additional tax authorized '70-409

Roads Act of February 14, '67, repealed '71-561

WALLACE TOWNSHIP—Polling place fixed '52-381, 455

Name changed '52-570

Dog tax Act of May 4, '64, repealed '69-1064

WARWICK TOWNSHIP—Separate election district '44-76

Collection of school taxes '72-231

WEST BRADFORD TOWNSHIP—Road repairs '43-286

Dog tax '45-204, '47-255

Roads Act of March 8, '60, repealed '70-176

WEST BRANDYWINE TOWNSHIP—Polling place fixed '49-545

Dog tax '58-168

Roads Act of April 1, '68, repealed '69-614

WEST CALN TOWNSHIP—Bequest of A. Dawson applied to School purposes. See Caln '37-231

Roads Act of March 27, '39, repealed '41-142

Dog tax Act of April 4, '31, repealed '60-332

Dog tax '66-474

WEST FALLOWFIELD TOWNSHIP—

Election of Constables '29-90, '42-303

Dog tax '46-331, '48-21, '64-773

Roads Act of March 27, '39, repealed '41-39

Polling place fixed '54-16

Assessment and collection of dog tax '64-773

Chester County—*Continued.*

WEST GOSHEN TOWNSHIP—Dog tax repealed '43-285
Assessment and collection of school tax '45-186
Dog tax '46-331
Roads Act of March 27, '39, repealed '41-89
" Act March 26, '62, repealed '69-353
" Act March 18, '59, repealed '83-126

WEST GROVE TOWNSHIP—Repairing roads by contract repealed '42-126

WEST MARLBOROUGH TOWNSHIP—Repairing roads by contract repealed '42-75
In relation to schools '49-154
Tax on dogs '45-204
Act of March 9, '55, repealed. See Act of May 30, '93-183
Roads and bridges Act of February 12, '59, repealed '83-78

WEST NANTMEAL TOWNSHIP—Repairing roads by contract, repealed '42-75
Dog tax repealed '43-285
Additional school tax '46-373
Polling place fixed '43-55, '52-381, 455
Sale of school building '70-1034

WEST NOTTINGHAM TOWNSHIP—Dogs, taxation of '59-232
Duties of Auditors '44-509
Dog tax abolished '71-1132
Repairs to roads Act of May 25, '71, repealed '87-170

WEST PIKELAND TOWNSHIP—Repairing of roads by contract repealed '42-252
Dog tax repealed '43-285
Dog tax '52-383

WESTTOWN TOWNSHIP—Dog tax repealed '43-285
Dog tax Act of April 1, '52, repealed '91-111
School district erected '52-504
Land annexed to Westtown and Thornburg Eastern School district '64-509
Maintenance of roads—Supervisors '68-363
Thornburg Eastern School District, loan authorized '68-843
Exemption of school property
Act of February 24, '47, repealed '70-1162
Mechanics' liens '78-94
Duties of Supervisors Act of May 19, '71, repealed '78-94
Municipal powers Act of May 19, '71, repealed '78-94

Chester County—*Continued.*
WEST VINCENT TOWNSHIP—Duties of Auditors and Supervisors '40-547
Roads Act of March 27, '39, repealed '41-89
Dog tax '40-546, '51-236
WEST WHITELAND TOWNSHIP—Dog tax '51-236
Repairs of roads '41-142, '63-107, '89-166
WILLISTOWN TOWNSHIP—Additional school tax '46-373
Roads Act of March 27, '39, repealed '41-90, 142
Dog tax '52-117
Baptist Church Society authorized to remove dead '68-1287

CLARION COUNTY.

Organized from parts of Armstrong and Venango Counties, March 11, 1839, P. L. 51.

CLARION TOWNSHIP—Making new roads Act of March 18, '48, repealed '49-427
Annexation of real estate Act of April 5, '62, repealed '64-411
DIRECTORS OF THE POOR—Election of.
See County Commissioners '65-501, '66-608
Pay fixed '67-744
DOG TAX repealed '55-30
FARMINGTON TOWNSHIP—Polling place fixed '50-113
FRANKLIN INDEPENDENT SCHOOL DISTRICT '58-179
FRUIT—Protection of '55-169
HELEN TOWNSHIP—Separate election district '49-560
INDEPENDENT SCHOOL DISTRICT Act of April 4, '66, repealed '85-183
JUSTICE OF THE PEACE—Election of '42-438
KNOX TOWNSHIP—Polling place fixed '54-160
LICKING TOWNSHIP—Polling place fixed '52-37
LIMESTONE TOWNSHIP—Separate election district '42-52
MADISON TOWNSHIP—Polling place fixed '43-48, '49-557
MELVILLE INDEPENDENT SCHOOL DISTRICT Act of April 4, '66, repealed, '85-183
MILL CREEK TOWNSHIP—Polling place fixed '52-39
MONROE TOWNSHIP—Bounty money '67-917
OAK HALL INDEPENDENT SCHOOL DISTRICT '62-212
ORCHARDS—Protection of '55-169

Clarion County—*Continued.*
PAINT TOWNSHIP—Making new roads
Act of March 18, '48, repealed '49-427
PERRY TOWNSHIP—Polling place fixed '42-333, '51-42, 424
PINE GROVE SCHOOL DISTRICT, No. 2, erected '42-450
PINEY TOWNSHIP—Polling place changed '59-282
Erection of Poor House authorized '73-763
POOR DIRECTORS—See Directors of the Poor.
POOR HOUSE—Erection of '65-501, '66-608, repealed 1901-135
PORTER TOWNSHIP—Polling place fixed '42-478
Separate election district '42-326
RED BANK TOWNSHIP—Separate election district '42-322
ROAD VIEWERS—Powers and duties of '45-254
SHEEP—To improve the breed of '60-55
SUPERVISORS—Compensation fixed '65-531, '68-200, '73-452
TAXES—Collection of '52-568, '65-511
TOBY TOWNSHIP—Polling place fixed '44-242, '49-767
TOWNSHIP AUDITORS—Compensation fixed '73-452
TOWNSHIP ELECTIONS—Time of holding '47-297
TRESPASS ON ORCHARDS, ETC. '55-169
VIEWERS OF ROADS '45-254
WASHINGTON TOWNSHIP—Polling place fixed '53-118

CLEARFIELD COUNTY.

Organized from parts of Cambria, Jefferson, McKean, Potter and Tioga Counties. March 20, 1804, Ch. 2466.

ASSESSMENTS to be copied '63-110
ASSESSORS' pay increased '65-307
Election of '50-116, '71-557, '73-488
BECCARIA TOWNSHIP—Polling place changed '44-244, 573
Poor tax may be levied on unseated lands '73-263
BRADFORD TOWNSHIP—Polling place '44-14
Official acts of Samuel A. Caldwell, Justice of the Peace, validated '72-483
BRIDGE VIEWERS—Pay fixed '45-25, '72-499
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CHEST TOWNSHIP—Polling place fixed '53-204
COLLECTION OF TAXES
Acts of March 18, '70, and April 3, '72, repealed '78-152

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CONSTABLES—Eligibility to re-election '27-24

COVINGTON TOWNSHIP—Separate School District '42-47

School loan authorized '65-234

DECATUR TOWNSHIP—Polling place fixed '42-334

DISTRICT TREASURER—To provide for election of '72-1098

Act of April 9, '72, amended '73-179

Act of February 27, '73, modified '73-443

Section 3, of Act of April 9, '72, repealed '87-175

ELECTIONS—When to be held '64-170, '68-480, '71-1365, '73-560

FOX TOWNSHIP—Polling place fixed '44-75

Part annexed to Elk County and part to Jefferson County, '68-651

GIRARD TOWNSHIP—Polling place fixed '43-54

GULICH TOWNSHIP—Polling place fixed '60-551

HUSTON TOWNSHIP—Lands annexed to Horton Township, Elk County '71-125

JORDAN TOWNSHIP—Polling place fixed '44-19, '53-648

KARTHAUS—Separate election district '42-55

Polling place fixed '66-759

LAWRENCE TOWNSHIP—Land of Eli Bloom annexed to, for school purposes '64-853

Certain territory annexed to '73-762

MORRIS TOWNSHIP—Polling place fixed '42-45, '51-40, '53-385

OVERSEERS OF THE POOR—Compensation fixed '72-499

Settlement of accounts of '30-190

PENN TOWNSHIP—Polling place fixed '51-445

PIKE TOWNSHIP—Polling place fixed '51-520, '52-568

PINE TOWNSHIP—Erection of '73-762

ROAD MASTERS—Election of '44-568

ROAD TAXES restricted to five mills '44-111

Act of April 13, '43, repealed '44-86

ROAD VIEWERS—Pay fixed '72-499

Duties defined '45-25

ROADS over wild land for lumbering purposes '71-868, '73-488

SUPERVISORS authorized to lay ten mills road tax Ch. 4873

Duties of '30-191

Election of '44-568

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TAX COLLECTORS—Section 3 of Act of April 9, '72, directing payment to district treasurer repealed '87-175

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WEST BRUNSWICK TOWNSHIP—Separate election district '44-574
WOODWARD TOWNSHIP—Polling place fixed '51-829
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CLINTON COUNTY.

Organized from parts of Lycoming and Centre Counties, June 21, 1839. P. L. 362.

ALLISON TOWNSHIP—Polling place fixed '44-79, 577, '51-425
Restriction of boundaries Act repealed, '71-684, '72-1017
ASSESSORS not required to attend elections '44-220
BALD EAGLE TOWNSHIP—Unseated land tax to be paid to '44-244
Election and duties of township treasurer '44-244
Polling place fixed '44-241, '51-31
Bounty on muskrats Act of February 26, '61, repealed '62-276
BARTON INDEPENDENT SCHOOL DISTRICT, erected '68-1155
BEECH CREEK TOWNSHIP—Polling place fixed '51-31
Bounty on muskrats Act of February 26, '61, repealed '62-276
Appropriation of road taxes Act of April 11, '68, repealed '70-199
Part of, included in Jones Independent School District '73-645
BRIDGE REPAIRS Act of April 13, '43, repealed '76-200
CATTLE prohibited from running at large '65-675
CHAPMAN TOWNSHIP—Canal towpath a public highway '42-458
Supervisors to give security for unseated land tax '51-646
Two election districts '67-747
Bounty tax authorized '70-287
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COLEBROOK TOWNSHIP—Canal towpath a public highway '42-458
Part annexed to Brown Township, Lycoming County '67-1019
Supervisors to give security for unseated land tax '51-646

Clinton County—*Continued.*

COUNTY COMMISSIONERS—To levy road taxes on unseated lands in certain cases '73-591
CRAWFORD TOWNSHIP—Polling place fixed '42-43, '50-85, '57-24
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Bounty tax authorized '66-906
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To be appropriated for school purposes, except in Lock Haven '73-652, repealed '95-240
DUNNSTABLE TOWNSHIP—Polling place fixed '54-446
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GREEN TOWNSHIP—Polling place fixed '42-43, '51-425
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GROVE TOWNSHIP—Polling place fixed '42-50, 333
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GRUGAN DISTRICT—Polling place fixed '52-405
JONES INDEPENDENT SCHOOL DISTRICT—Erection of '73-645
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LAMAR TOWNSHIP—Hunting deer, Act of April 13, '50, repealed '51-428
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Protection of fish in '71-1006, '72-283
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LOGAN TOWNSHIP—Polling place fixed '42-43
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LUMBER TOWNSHIP—Polling place fixed '44-19
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WAYNE TOWNSHIP—Separate election district '42-43
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COLUMBIA COUNTY.

Organized from a part of Northumberland County, March 22, 1813. Chapter 3707.

BEAVER TOWNSHIP—Collection of school taxes '51-829
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CONYNGHAM TOWNSHIP—Supervisors and Overseers of Poor to give surety '58-113
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Erection of Poor House '69-1228
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FRANKLIN TOWNSHIP—Polling place fixed '44-18
GREENWOOD TOWNSHIP—
To prevent swine from running at large '73-678
JUSTICE OF THE PEACE—County divided into districts Ch. 3868
LOCUST TOWNSHIP—Polling place fixed '53-48
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MADISON TOWNSHIP—Separate election district '51-158
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MAHONING TOWNSHIP—Additional Supervisor authorized '32-559
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Erection of Poor House '48-389
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PINE TOWNSHIP—Polling place fixed '53-653
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CRAWFORD COUNTY.

Organized from a part of Allegheny County, March 12, 1800. Ch. 2119.

ASSESSMENTS—Appeals from '31-278
ASSESSORS—Compensation for making out duplicates '66-208
Compensation and mileage '69-817
And Assistant Assessors, pay of, Act of February 19, '70, rep. '76-210
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BEAVER TOWNSHIP—Polling place fixed '32-410
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BLOOMFIELD TOWNSHIP—Polling place fixed '29-338
All laws preventing cattle, horses, sheep and swine from running at large repealed '70-905, '71-1194
BRIDGE—Viewers and reviewers, pay fixed '72-788
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BRIDGES, COUNTY—
To be kept in repair by County Commissioners '61-206
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CONNEAUT TOWNSHIP—Polling place fixed '30-310
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Road Districts—Townships, divided into '45-53, '54-136, '55-36
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DOG TAX—Act of May 20, '57, extended to Crawford County '61-60
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Road Commissioners authorized to erect town house '50-25
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ELECTIONS of borough and township officers to be paid by boroughs and townships '44-220
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FALLOWFIELD TOWNSHIP—Polling place fixed. See East Fallowfield—West Fallowfield '29-336
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GARDENS—Protection of '55-55, '71-570
GREENWOOD TOWNSHIP—Polling place fixed '30-310
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MEAD TOWNSHIP—Additional constable authorized Ch. 5122
School Directors to condemn land and build school house in each district '43-202
School tax, collection of '51-559
Pathmaster authorized to collect money road tax and delinquent labor tax '65-717
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NORTH SHENANGO TOWNSHIP—To enlarge boundaries of '50-632
Polling place fixed '50-632
Provisions for erecting town hall '56-358
Supervisors authorized to procure a town hall '69-1007
OIL CREEK TOWNSHIP—Polling place fixed '29-338
All laws preventing cattle, horses, sheep and swine from running at large repealed '70-905
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ORCHARDS—Protection of '55-55
OVERSEER OF POOR—Office abolished '51-719
PATHMASTERS—See Road Masters
Election and duties of '46-269
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POLLING PLACES—Courts empowered to change '44-19
POOR DIRECTORS—
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POOR HOUSE—To provide for erection of '51-715
RANDOLPH TOWNSHIP—Polling place fixed '29-338
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RICHMOND TOWNSHIP—Polling place fixed '53-177
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ROAD COMMISSIONERS—Compensation of '46-268
Relative to letting contracts '46-267
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One-half to be worked out before September '30-25
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Ten per cent. of, only to be collected in money '46-269, '56-414
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ROAD VIEWERS— Act of April 4, '31, repealed '36-245
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ROCKDALE TOWNSHIP—Polling place fixed '50-112
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ROME TOWNSHIP—Polling place fixed '34-475, '35-353
SADSBURY TOWNSHIP—Polling place fixed '29-336
Election of additional Justice and constable '42-53
Overseers of Poor to sell real estate '48-503
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SCHOOLS—Independent District Act of April 11, '66, repealed '79-37
SCHOOLS—Act to apply dog tax to, repealed '72-175
SHEEP—To improve the breed of Ch. 3867, '55-316
For protection of,
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Fine for injuring sidewalks or shade trees '71-972
STEUBEN TOWNSHIP erected '50-681
SUMMERHILL TOWNSHIP—Polling place fixed '29-337
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SUMMIT TOWNSHIP—Erection of '43-51
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Overseers of Poor authorized to sell land '52-344
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Road masters, appointment of '45-53
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SWINE—Running at large '55-316, '69-800, '70-230
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TROY TOWNSHIP—Polling place fixed '32-410
Lands annexed to Cherry Tree Township, Venango County, for schools '67-1205

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All laws preventing cattle, horses, sheep and swine from running at large repealed '70-905
To prevent cattle from running at large, Act of April 5, '70, repealed '81-75
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UNSEATED LANDS—Road taxes on, return of '46-267, '54-136
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Cambridge Township erected out of '51-707
VERNON TOWNSHIP—Polling place fixed '29-337, '41-69
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Repair of roads '39-598
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Lands in East Fallowfield annexed to, for school purposes '67-1091
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WHITE DAISIES—To prevent the growth of, in Conneaut, Summit and Pine Townships '69-733
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WOODCOCK TOWNSHIP—Polling place fixed '48-353, '50-25
Road Commissioners to build a town house '48-368
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CUMBERLAND COUNTY.

Organized from part of Lancaster County, January 27, 1750. Chapter 380.

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DICKINSON TOWNSHIP—Polling place fixed '42-49
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HAMPDEN TOWNSHIP—Land of David Dietz annexed to, for school purposes '67-530
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Duties of Supervisors '44-366

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County to contribute $400 for certain road '45-22

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MONROE TOWNSHIP—School taxes in '51-202

Stony Ridge Road to be graded '51-439

NEWTON TOWNSHIP—Election of constables. See North Newton Ch. 4844

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NORTH MIDDLETON TOWNSHIP—Polling place fixed '44-244

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NORTH NEWTON TOWNSHIP—Elections. See Newton, Act of March 18, '52, repealed '52-406

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POOR DIRECTORS—See Directors of Poor

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Erection of for blind and insane, loan authorized '68-557

ROADS—Records of '51-439

Opening of '55-223, Act of April 13, '43, repealed '44-86

ROAD VIEWERS—Duties of '51-821, '55-223

SCHOOLS—Regulation of Ch. 4986, '38-460

SEATED LANDS to be assessed in county where mansion house is '71-1067

SHEEP—To improve the breed of Ch. 3779

Compensation for damages Act of March 4, '65, repealed '66-508

SILVER SPRING—Preservation of fish in '46-62

SILVER SPRING TOWNSHIP—To grade Stony Ridge Road '51-439

Surplus bounty fund '67-521, 1261

Road through farm of H. W. Kanage vacated '72-455

SOUTH MIDDLETON TOWNSHIP—Election of constable, Act of April 2, '22, repealed '29-74

To grade Stony Ridge Road '51-439

Cumberland County—*Continued.*

SUPERVISORS—Duties of relative to poor. See Townships Ch. 2940
To perform duties of Overseers of Poor '29-42
To maintain wing walls to bridges '59-593, '71-48
To keep foot bridges across Yellow Breeches Creek '42-221
Compensation of fixed '65-634
SWINE—Trespassing by Ch. 5039
TAX COLLECTORS—Election of '61-672
TAXES—Collection of. See Assessments '67-836, '73-661
To be collected by County Treasurer '73-661
TOWNSHIPS to repair bridges '42-221
To care for poor '24-28
TRESPASSING by horses, cattle and swine Ch. 5039
TYRONE TOWNSHIP—Election of constables Ch. 4844
UPPER ALLEN TOWNSHIP—Polling place fixed '50-114
UPPER FRANKFORD TOWNSHIP—Polling place changed '60-254
UPPER WEST PENNSBORO—Polling place changed '60-254
WEST PENNSBORO—Division of. Act of March 7, '46, repealed '47-212
New school district '52-377
Polling place fixed '58-41
Surplus bounty funds '67-917
WING WALLS TO BRIDGES—Cost of maintaining, '59-593, '71-48, '99-239

DAUPHIN COUNTY.

Organized from part of Lancaster County, March 4, 1785. Chapter 1125.
ASSESSORS' pay fixed '65-82
BETHEL TOWNSHIP '21-145
CONEWAGO TOWNSHIP—Erection of '50-332
Bounty tax authorized '66-726
DERRY TOWNSHIP—Polling place fixed '40-337, '45-150, 526
Bounty tax authorized '65-688
To prevent cattle, etc. from running at large '69-672, 1153
Cattle running at large, Act modified '69-892
School Directors authorized to pay bounty fund '73-306
DIRECTORS OF POOR—Election and duties of, Ch. 2701, '33-205, '67-1267
Taxpayers, competent witnesses for or against Ch. 2909
Authorized to sell certain land Ch. 3262
Mileage fixed '38-559, '50-208
Limitation of liability for debts of paupers '50-788
Term of office '61-73
Compensation of '47-365, '67-1267, '73-139, 501

Dauphin County—*Continued.*

DRAINAGE of wet and spouty lands '44-365, '63-293

EAST HANOVER TOWNSHIP—Bounty Tax authorized '64-1015

ELECTIONS regulated '49-89, '50-111, '54-652, '55-478, '69-294

Change of time for holding '72-194

HALIFAX TOWNSHIP—Polling place fixed '44-76

New election district '44-577

Front Street and Peach Tree Alley made public highways, '57-465, '62-151

Damages for opening of '63-131

Bounty tax authorized '64-1026, '70-404

Notary Public '71-113

School loan authorized '70-1145

HERR TOWNSHIP—School loan authorized '60-1224

JACKSON TOWNSHIP—Polling place fixed '44-243, '54-246

Bounty tax repealed '66-526, '67-899

JEFFERSON TOWNSHIP—Separate election district '43-49

Sale of school house '52-328

Bounty tax authorized '65-581

JUSTICE OF THE PEACE—

County divided into districts Ch. 3868

LANCASTRIAN SCHOOL HOUSE—Sale of, Act of April 9, '33, repealed '34-170

LAND—Drainage of '44-365, '63-293

LIVERPOOL SCHOOL DISTRICT—Certain land attached to '40-86

LONDONDERRY TOWNSHIP—Polling place fixed '47-426, '54-107

Bounty tax authorized '65-131

Road taxes and damages on islands '68-701, 1062

To prevent cattle, etc. from running at large '69-672, 1153

Cattle running at large Act of April 2, '69, modified '69-892

LOWER PAXTON TOWNSHIP—Polling place fixed '63-525

LIVERPOOL SCHOOL DISTRICT—Certain land attached to '40-86

LOWER SWATARA TOWNSHIP—Erection of '40-710

Swatara Township line changed '40-670

Polling place '48-211

Supervisors' pay fixed '66-225

To prevent cattle, etc. from running at large '69-672

Cattle running at large Act of April 2, '69, modified '69-892

LYKENS TOWNSHIP—Acceptance of Common School Act '38-602

Separate school district erected '40-671

J. E. Copenheffer set into Washington Township '70-761

Dauphin County—*Continued.*

Additional Notary Public '65-327
Jacob Bohner set into Mifflin Township '66-919, '67-1105
Bounty tax '67-330, 1280, '69-295

MIDDLE PAXTON—Additional Supervisors authorized '65-357
New election district Ch. 2334, '44-577
Wister's Island annexed to Perry County '68-413
Horses, cattle, sheep and swine, not to run at large '73-458
Election of Supervisors Act of March 15, '65, repealed '79-4

MIFFLIN TOWNSHIP—Bounty tax authorized '65-664
Jacob Bohner set into '66-919, '67-1105
To prevent horses and cattle from running at large '71-1118
Foot bridge over Mahontango Creek authorized '72-734, '73-470

OVERSEERS OF POOR abolished Ch. 2701

PAUPERS—Care and employment of Ch. 2701, '33-205, '50-788

PENN ELECTION DISTRICT erected '44-577

POOR—Education of Ch. 4986
Taxes to be paid to County Treasurer '47-365
Care and employment of Ch. 2701, '33-205

POOR DIRECTORS—See Directors of Poor

POOR HOUSE—Erection of Ch. 2701

REED TOWNSHIP—Erection of '49-558
Road on Duncan's Island '53-264
Supervisors to repair a certain road—Point road vacated '62-370

ROAD DAMAGES payable by municipalities '66-441, '67-402

ROAD VIEWS '60-586

RUSH TOWNSHIP—Polling place fixed '45-526, '58-83

SCHOOLS—Regulation of. See Poor Ch. 4986

SOUTH HANOVER TOWNSHIP—Polling place fixed '42-324, '46-87
Erection of '42-51
Horses, cattle, sheep and swine not to run at large '73-458

SUPERVISORS—Duties of, in relation to poor Ch. 2701
To repair bridge approaches '34-559
To give official bonds '57-453

SUSQUEHANNA TOWNSHIP—Canal drain to be kept open by land owners '50-248
Bounty tax authorized '65-200
Additional Supervisor authorized '66-644, repealed '01-512
Horses and cattle running at large, '69-672, 1153. Act of May 6, '71, rep. '73-305

SWAMPS—Drainage of '44-365, '63-293

Dauphin County—*Continued.*

SWATARA TOWNSHIP—
Election of constables. See Lower Swatara Ch. 4550
Election of officers '40-670
Additional school tax '67-227
Lower Swatara line changed '40-670
Digging of drains or ditches in—Drainage of swamp lands '44-365
Creek bridge '50-687, '51-373
To prevent cattle, etc. from running at large '69-672, 1153
Cattle running at large Act of April 2, '69, modified '69-892
School Directors authorized to levy additional tax '72-924
TOWNSHIPS liable for road damages '66-441
To repair approaches to county bridges '34-559
UNSEATED LANDS—Sale of '42-242
UPPER PAXTON TOWNSHIP—Polling place '42-324, '45-49, 149, '50-703
Separate election district '50-416
Re-audit of township accounts '68-464
Certain road vacated '53-752
Taxes on island of A. Shuman '62-28
Polling place fixed '42-324, '59-119, '63-525, '64-12
Farm of James Freeland annexed '72-716
VAGRANTS—Fees of Magistrates fixed. See Constables '72-246, '75-63
VIEWERS of roads and bridges '60-586
Of drains for wet and spouty lands, duties of '63-293
WASHINGTON TOWNSHIP—Polling place fixed '46-22, '48-353, '52-68
Wiconisco Township line changed '62-260
Bounty tax authorized '65-213
Supervisors' pay fixed '66-225
Land of J. E. Copenheffer, annexed to, for school purposes '70-761
WEST HANOVER TOWNSHIP—New election district '38-612
Erection of '42-51
WEST LONDONDERRY—Polling place fixed '57-104
Wet lands—Drainage of '44-365, '63-293
WICONISCO TOWNSHIP—
Polling place fixed '50-415, 443, '51-140, 424, '53-522, '54-151
Erection of '39-602
Election and duties of Supervisors '62-140
Washington Township line changed '62-260
Goats running at large, declared a nuisance '64-279
Roads Act of March 20, '62, repealed '67-343
Supervisor's pay fixed '67-737
School loan authorized '68-1043, '69-360

DELAWARE COUNTY.

Organized from part of Chester County, September 26, 1789. Chapter 1432.

ASSESSMENT OF TAXES—
Of machinery '50-425
ASTON TOWNSHIP—Roads Act of April 16, '48, repealed '40-246
Dog tax '45-470, '69-1146
Preservation of birds '41-43
Part annexed to Thornbury '42-453
BETHEL TOWNSHIP—Roads Act of April 16, '38, repealed '40-246
Polling place fixed '38-315, '39-604, '44-22
BIRMINGHAM TOWNSHIP—Polling place fixed '42-264
Dog tax '46-333
Repair of roads '42-126, '53-222
Three Supervisors authorized '53-222
BLUE HILL SCHOOL '65-99
BRIDGES to be rebuilt by County Commissioners '34-559, '44-24
Approaches to be made by townships '34-559
CANADA THISTLES—To prevent the spread of '61-421
CATTLE—To prevent running at large. See Strays '60-68, '65-444, '72-510
When treated as strays '72-510
CHESTER TOWNSHIP—Roads—Elections of Supervisors '48-142, 338
Separate election district '57-468
Polling place fixed '52-134
Lamokin Road District '69-1104
Indebtedness adjusted with Lamokin School District '70-332
Division of school property with South Chester '72-120
COLLECTION OF TAXES—See Taxes.
COMMON SCHOOLS—See Schools.
CONCORD TOWNSHIP—Roads. Act of April 16, '38, repealed '40-246
Polling place fixed '38-315
Preservation of birds and game '41-43
CROOKVILLE SCHOOL DISTRICT—Erection of '49-530
Boundaries of '50-311
DARBY TOWNSHIP—Roads. See Upper Darby.
Act of April 16, '38, repealed '39-99
Polling place fixed '38-315
Amount of road tax restricted Act of April 5, '70, repealed '91-103

Delaware County—*Continued.*

DIRECTORS OF POOR—Election and duties of
See Paupers Ch. 2419, '67-319
Property of paupers vested in Ch. 2786
To furnish estimates to County Commissioners Ch. 2786
Authorized to buy and sell land '49-270, '54-649
Pay fixed '55-171
Approval of court necessary to purchase of real estate '55-171, '56-419
Sale of land to School Directors of Middletown Township '61-41

DOG TAX FIXED—See Sheep. Ch. 3048, 3913, '26-132, '30-309, '31-496
Settlement and collection of '47-445, '55-306

DOGS—Penalty for trespass by '31-496

DRAINAGE OF ROADS '68-903, '69-785

EDGMONT TOWNSHIP—Preservation of birds and game '41-233
Polling place fixed '40-337
Roads Acts of April 16, '38, and March 11, '42, repealed '65-215
Dog tax '45-470, '47-445
Collection of taxes '67-928

ELECTIONS Regulated '44-22, '52-39, '55-99

FRUIT—Protection of '53-387, '55-234, '56-118, '60-362, '61-478, '81-82

GARDENS
Protection of '53-387, '55-234, '56-118, '60-362 '61-478, '81-82

HAVERFORD TOWNSHIP—Roads Act of April 16, '48, repealed '40-246
Polling place fixed '36-95, '40-670
School tax for whole year's schooling '50-425

HOGS—See Swine.

HORSES—To prevent running at large
See Strays '60-68, '65-444, '72-510
When to be treated as strays '72-510

LAMOKIN ROAD DISTRICT—Erection of '69-1104
Indebtedness adjusted with Chester Township '70-332

LOWER CHICHESTER TOWNSHIP—Repairs of roads '42-126
Separate election district '44-15
Elections regulated '51-469

MARPLE TOWNSHIP—Roads Act of April 16, '38, repealed '46-246
Polling place fixed '36-436
Taxation of dogs to pay damages to sheep '45-470, '47-445, '62-427

MIDDLETOWN TOWNSHIP—Roads Act of April 16, '48, rep. '40-246
Preservation of birds and game '41-43
Election of township treasurer and clerk '44-573

Delaware County—*Continued.*

Roads, repairs of '41-379, '45-202, '61-199
Act of April 7, '40, repealed '41-113
Elections of supervisors '48-46
Purchase of land from Directors of the Poor '61-41
Assessment of taxes Act of April 20, '54, repealed '70-1014

NETHER PROVIDENCE TOWNSHIP—
Road laws Act of April 16, '38, and March 11, '42, repealed '48-143
Polling place fixed '36-95

ORCHARDS—
Protection of '53-337, '55-234, '56-118, '60-362 '61-478, '81-82

OVERSEERS OF POOR abolished Ch. 2419

PATHMASTERS—Length of road assigned to '38-631

PAUPERS—Property of vested in Directors of Poor Ch. 2786
Care and employment of Ch. 2419, '25-245
Residence of '49-321

POOR HOUSE—Erection of Ch. 2419

RADNOR TOWNSHIP—Repairs of roads '42-126
Polling place fixed '49-545
School tax for whole year's schooling '50-425

RIDLEY TOWNSHIP—Roads
Acts of April 16, '38, and March 11, '42, repealed '45-23

ROAD DAMAGES '70-485, '71-16

ROADS, repairing of, by contract. See Supervisors '41-252, '42-64
To be divided into one mile districts '38-631
Drainage of Act of January 17, '67, repealed '68-908, '69-785
Drainage of, into reservoirs or wells '69-785
Damage for opening of, assessment and collection of
'57-146, '69-862, '70-485, '73-693. See '01-394, 395, 397, 399

ROAD VIEWERS—Duties of '57-146, '69-785, 862, '70-485
Pay of '71-16

SCHOOL DIRECTORS may condemn lands.
See High Schools '54-671, '60-664

SCHOOL TAX—Maximum and minimum rate '42-211
Teachers to be allowed pay for attending county institutes '72-428
High, establishment of, provided for '73-568

SHEEP—To improve the breed of
See Dog Tax—Strays Ch. 3048, 3524, 3779
Damage to by dogs Ch. 3088, 3902, '21-185, '31-496, '55-306
To prevent running at large '60-68, '65-444, '72-510
When to be treated as strays '72-510

Delaware County—*Continued.*

SPRINGFIELD TOWNSHIP—Roads Act of April 16, '38, repealed '40-246
Polling place fixed '42-264, '54-49
STATE ROADS—Damages for opening '70-485
STRAYS—Empounding and sale of Ch. 2865
Cattle, horses and sheep when treated as '72-510
SUPERVISORS—Duties of, in relation to poor. See Roads Ch. 2419
Not to turn water on private lands '69-785
To repair approaches to bridges—to notify County Commissioners of needed repairs on bridges '34-559
Election of '42-64
Pay fixed '64-776
To let road repairs to lowest bidder '42-64
SWINE—To prevent running at large. See Strays.
Ch. 158, '60-68, '65-444, '72-510
TAX COLLECTORS—
Pay fixed. See Dog Tax '46-384, '59-679, '62-376, '73-509
TAXES—School mimimum and maximum '42-211
Collection of '46-384
Exemptions '68-61, 716, '70-558
On real estate, assessment and collection of,
'43-334, '46-384, '50-425, '54-423, '73-509, 514. See '01-398
Rebate for prompt payment '46-384, '73-512
To be a first lien for one year '24-18, '73-509
THISTLES, CANADA—To prevent spread of '61-421
THORNBURY TOWNSHIP—Preservation of birds and game '41-43
Polling place fixed '47-257
Part of Aston Township annexed to '42-453
Adoption of common school law '43-388
Roads Acts of April 16, '38, and March 11, '42, rep. '45-23
Opening of new roads '59-99
Assessment of taxes '59-270, '70-1140
Dog tax repealed '61-191
Farm of S. J. Sharpless annexed to '63-404
TINICUM TOWNSHIP roads Act of April 16, '48, repealed '40-246
TOWN CLERK—Election of Ch. 2865
TOWNSHIP AUDITORS—Oath of office '55-306
TOWNSHIP ELECTIONS '44-22
TOWNSHIPS to repair approaches to bridges '34-559
UNION SCHOOL DISTRICT erected '61-518
Of Chester and Delaware counties enlarged '73-574

Delaware County—*Continued.*
UPPER PROVIDENCE—Roads '49-77
Polling place fixed '41-67
UPPER DARBY TOWNSHIP—Roads. See Darby
Act of April 16, '38, repealed '40-246
Polling place fixed '49-558
Separate election district '49-558
School tax for whole year's schooling '50-425
VIEWERS—Pay fixed. See Road Viewers '57-146, '71-16
WEST TOWN AND THORNBURY EASTERN SCHOOL DISTRICT—
'52-504, '68-843

ELK COUNTY.

Organized from parts of Jefferson, Clearfield and McKean Counties, April 18, 1843, P. L. 312.

BENZINGER TOWNSHIP—Sale of goods at auction, restricted '69-198
BRIDGES Act of April 13, '43, repealed '44-86
ELECTIONS, TOWNSHIP—Time of holding '44-244
FOX TOWNSHIP—Supervisors' pay fixed '63-376, '67-1287
FRUIT—Protection of '58-111
GARDENS—Trespass on '58-111
HIGHLAND TOWNSHIP—Polling place changed '50-415, '59-2
HORTON TOWNSHIP—
Part of Fox Township, Clearfield County, annexed to '68-651
Boundaries extended '71-125
JAY TOWNSHIP—Polling place fixed '54-828
Supervisors' pay fixed '63-376
JONES TOWNSHIP—Appropriation of road tax '44-270
Erection of '44-596
Change of name Act of March 21, '61, repealed '63-117
Construction of bridge at Wilcox '64-179
Election of Tax Collector—Duties of Supervisors '67-761
Pay of Supervisors and Auditors fixed '67-761, 968
Polling place fixed '72-83
MILLSTONE TOWNSHIP—Road laws '71-49
Court of Forest County to have jurisdiction of certain actions '73-133
ORCHARDS—Protection of '58-111
POOR TAXES on unseated lands '71-114

Elk County—*Continued.*

RIDGWAY TOWNSHIP—Appropriation of road taxes '44-270
Opening of roads '48-208
Supervisors authorized to purchase a certain bridge '55-65
Supervisors' pay fixed '58-232
ROAD LAWS revised '55-240, '61-497, '71-49. See '01-397
Act April 13, '43, repealed, '44-86
SPRING CREEK TOWNSHIP—Pay of Supervisors fixed '61-241
Election of Road Commissioners '48-50
SUPERVISORS to give bond '48-252
Election of '55-240
Pay fixed '67-761, 968, 971, 1287
TAXES on unseated lands '71-114
TOWNSHIP AUDITORS—Pay fixed '71-994
TOWNSHIP ELECTIONS—Time of holding '44-244
TOWNSHIP TREASURERS—Election of '63-376
TRESPASS on orchards and gardens '58-111
UNSEATED LANDS—Sale of '59-4, '70-174
Fees for selling '70-283
Poor taxes levied on '71-114

ERIE COUNTY.

Organized from part of Allegheny County, March 12, 1800. Chapter 2119.

AMITY TOWNSHIP—Polling place fixed '28-14, 387
ANIMALS, certain, when declared strays. See Fences Ch. 4680, '57-196
To prevent running at large '67-691, '69-800, '70-230
ASSESSMENTS—Appeal from '31-278 Act of May 27, '71, repealed '73-179
ASSESSORS to make copy of assessments for Road Commissioners '43-218
BRIDGE COMMISSIONERS—Appointment of Act of April 15, '69, repealed '70-275
Tax, unexpended, to be refunded to respective districts '70-568
BRIDGES, COUNTY—County not liable for repair of. See Act of May 18, '93 '54-295
Construction and maintenance '49-102
CANADA THISTLES—Railroad companies to cut twice a year '55-476
To prevent the spread of '61-421
CATTLE, STRAYS—
Taking and empounding of—Fences Ch. 4680
Certain, running at large declared Strays '57-196
To prevent running at large '67-691, '70-230
Act of April 3, '67, repealed '69-800

Erie County—*Continued.*

CONCORD TOWNSHIP—School Directors may levy tax on Sub-District No. 5 '51-567
Road Commissioners to erect town house '64-75
Polling place changed '64-75
Bounty tax authorized '67-1092
Repeal of Act to erect independent school district '79-37
CONNEAUT TOWNSHIP—Pay of Road Commissioners and Auditors Third Section of Act of March 21, '65, repealed '71-1350
Road Commissioners to levy tax to pay volunteers '72-1088
CONNEAUTTEE TOWNSHIP—
Name changed to Washington Township '34-294
CONSTABLES required to furnish sureties Ch. 3563
Election of '27-24
To collect delinquent road tax '43-219
Mileage for conveying paupers '47-230
Duties of, in relation to paupers '56-410
In relation to cattle running at large '67-691, '70-230
COOK INDEPENDENT SCHOOL DISTRICT—Act to erect repealed '79-37
COUNTY AUDITORS to settle accounts of Poor Directors '39-425
COUNTY BRIDGES—County exempt from liability to repair '54-295, repealed by Act May 18, '93.
DIRECTORS OF THE POOR—Accounts to be settled by Auditors '39-425
Apprentices to be bound out by '39-424
Appointment of, by Court Pro Tem. '70-1005
Clerk, attorney and other agents may be employed by '56-410
Compensation of '39-427, '56-410, '65-478
Of Erie City member fixed by Board '65-478
Allowed while building '71-1092
Election of '39-423, '70-1005
Fishing, illegal, in Presque Isle Bay, suit to be brought by '60-534
Garrison grounds in Erie in charge of '47-230
Incorporated '39-424
Land, sale of, authorized '69-662, '70-817, '71-1092
Purchase of authorized '57-8
Loan authorized '56-410
Oaths administered by '39-426
Office to be rented in Erie City '65-478
Parents who have deserted children, property to be seized '46-381
Purchase of land authorized '57-8
Real estate, sale of, by Act of March 24, '68, repealed '69-662
Requisition, annual, to be made on County Commissioners '39-425
Vacancies in Board to be filled by Board '39-427

Erie County—*Continued.*

DOG TAX '69-288, '73-170

DRAINAGE—Railroad companies required to maintain ditches '55-476

Of farming lands regulated '68-452

ELECTION TICKETS Act of February 27, '49, repealed '52-39

Officers, compensation of '65-478

ELECTIONS regulated '70-1113

ELK CREEK TOWNSHIP—Polling place fixed '53-427

Pay of Road Commissioners and Auditors Act of March 21, '65, repealed '73-779

FAIRVIEW TOWNSHIP—

Masters of vessels compelled to return vagrants '27-436

Polling place fixed '32-610

May collect part of road tax in money '47-167

Pathmasters, appointment of '60-216

Road Commissioners, duties and pay of '60-216

Penalty for injuring sidewalks '64-512

Road Commissioners authorized to appoint collector—May levy additional road tax '71-743

FARMING LANDS—Drainage of '68-452

FENCES—Land owners may plant hedges on road side '68-570

Legal requirements '57-309, repealed '95-68

FRANKLIN TOWNSHIP—Polling place fixed '53-182

FRUIT TREES—Protection of '53-387

GIRARD TOWNSHIP—Polling place fixed '48-367, '52-127

To prevent injury to sidewalks '60-24

To prevent sale of liquors, in '69-952

A portion of annexed to Girard Borough, for school purposes '71-1183

Popular vote on liquor licenses '71-1313

Labor road tax Act of April 15, '69, repealed '72-661

Additional tax authorized '72-661

GREEN TOWNSHIP—Polling place fixed '48-57

HARBOR CREEK TOWNSHIP—Masters of vessels to return vagrants, landed by them '27-436

Polling place fixed '32-414

Planting of shade trees in Wesleyville '65-496

Plot of Wesleyville legalized and confirmed '65-496

Penalty for damages to sidewalks '65-496

Pathmasters authorized to construct sidewalks '65-496

Road damages, trial of '67-276

Road Commissioners to lay additional tax '71-1012

HEDGES—Land owners may plant on roadside '68-570

Erie County—*Continued.*

HORSES—To prevent running at large. See Strays—Fences '67-691, '70-230
INDEPENDENT SCHOOL DISTRICT '69-561, '79-37
JUSTICE OF THE PEACE—Acts confirmed Ch. 3113
County to be districted for appointment of '14-96
Damages, road, to hear and determine '43-220
Fees for '46-176
Fines to be paid to school district '72-752
Sheep losses, to adjust '72-671
Strays, duties of, relative to Ch. 4680
LE BOEUF TOWNSHIP—Polling place fixed '42-325
Erection of town house in mill village—Loan authorized '67-967
M'KEAN TOWNSHIP—Polling place fixed '49-258
MILEAGE of Constables for conveying paupers '47-230
MILL CREEK TOWNSHIP—Annexation of part to Erie City, '34-520, '48-430, '73-594, '70-242, '71-811
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NORTH EAST TOWNSHIP—Masters of vessels to return vagrants '27-436
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FAYETTE COUNTY.

Organized from part of Westmoreland County, September 26, 1783. Ch. 1045.

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FOREST COUNTY.

Organized from parts of Jefferson and Venango Counties, April 11, 1848, P. L. 51, Page 744, and October 31, 1866, P. L. 67, Page 1527.

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FRANKLIN COUNTY.

Organized from part of Cumberland County, September 9, 1784. Ch. 1096.

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FRUIT—Protection of '54-430

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GUILFORD TOWNSHIP—Election of Supervisors '48-192, '69-326
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HAMILTON TOWNSHIP—Polling place fixed '54-343
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HORSE VALLEY TOWNSHIP—Polling place fixed '59-480
Part annexed to St. Thomas Township '60-129

LETTERKENNEY TOWNSHIP—Election of schoolmen '29-229
Election of Supervisors '69-326
Polling place fixed '59-480
Surplus bounty fund appropriated to schools '66-552

LURGAN TOWNSHIP—Polling place fixed '42-264
Election of Supervisors '69-326
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MEAL TOWNSHIP—Election of Supervisors '47-136

METAL TOWNSHIP—Election of Supervisors '42-46, '47-136, '69-326

MONTGOMERY TOWNHIP—Bounty tax authorized '67-465
School district regulated '46-298
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Bounty payment legalized '70-670
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ORCHARDS—Protection of '54-430

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PAUPERS—Care and employment of Ch. 2766
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PETERS TOWNSHIP—Polling place '48-56
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POOR DIRECTORS—See Directors of Poor

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QUINCY SCHOOL DISTRICT Act of March 7, '44, rep. '46-113

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SEATED LANDS to be assessed in county where mansion house stands '71-1067
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SOUTHAMPTON TOWNSHIP—Election of Supervisors '40-344, '69-326
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FULTON COUNTY.

Organized from part of Bedford County, April 19, 1851. P. L. 805.

AYR TOWNSHIP—Bounty tax Act of March 24, '65, repealed '67-1537
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THOMPSON TOWNSHIP—Polling place fixed '52-286
TODD TOWNSHIP—Annexation of certain lands for schools '67-876
TRESPASS ON ORCHARDS '55-55
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GREENE COUNTY.

Organized from part of Washington County, February 9, 1796. Ch. 1859.

ALEPPO TOWNSHIP—Polling place fixed '43-53
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Special school tax authorized '67-1034

ASSESSMENTS to be revised and equalized by County Commissioners '68-1028

ASSESSORS—Pay fixed. See Taxes '65-690

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CONSTABLES—Eligibility to re-election '27-24, '31-71
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CUMBERLAND TOWNSHIP—Election of Supervisors '51-425
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DELINQUENT TAXES—Penalty '57-163

DIRECTORS OF THE POOR—Election of '40-111
Pay fixed '62-55
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Fines payable to '64-65

DOG TAX Ch. 5059

DUNKARD TOWNSHIP—Independent School District erected '52-320

ELECTIONS regulated '49-89, '53-340, '62-307

FRANKLIN TOWNSHIP—Election of Supervisors '51-523
Bounty tax authorized '64-794
To let road repairs to lowest bidder '71-1112

FRUIT—Protection of '61-478

GARDENS—Protection of '61-478

GILMORE TOWNSHIP—Land of John Lantz annexed to '63-466
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Act to annex Jacob Renner's farm repealed '72-636

GREENE TOWNSHIP—Independent School District erected '52-320
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JACKSON TOWNSHIP—School District No. 9 erected '52-704
Bounty tax authorized '65-165
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MARION TOWNSHIP—Justices of the Peace may hold office in Waynesburg '51-6
MONONGAHELA TOWNSHIP—Polling place fixed '42-461
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MORGAN TOWNSHIP—Independent School District erected '52-717
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MORRIS TOWNSHIP—Road repairs '71-694, repealed '99-27
MOUNT MORRIS erected into a separate school district '50-142
Independent School District, authorized to borrow money '71-182
OVERSEERS OF POOR abolished '40-115, '59-580
PAUPERS—Care and employment of '40-111, '59-580
When to be committed '55-380
Fees for removing of '71-404
PENALTY on delinquent taxes '57-163
PERRY TOWNSHIP—Separate election district '42-44
Bounty tax authorized '64-787
Collection of bounty tax '68-424
POOR DIRECTORS—See Directors of Poor
POOR FUND—Fines payable to '64-65
POOR HOUSE—Erection of '40-111, '41-334, '50-311, '59-530, '60-69
RICHHILL TOWNSHIP—Two additional Supervisors authorized '59-214
Bounty tax authorized '64-83
Uwchlan Township road law extended to '69-703, repealed '99-244
ROAD MASTERS—Election of '44-568
ROAD TAXES—Assignment of, to certain sections '68-367
ROAD VIEWS AND REVIEWS Act of March 12, '60, repealed '76-207
Regulated '45-25
SOUTH ALEPPO SCHOOL DISTRICT erected '52-601
SPRING HILL TOWNSHIP—Polling place fixed '61-158
Game Act of April 21, '69, repealed as to squirrels '72-625
Jacob Renner's farm transferred to Gilmore Township Act rep. '72-636
SUPERVISORS—Duties of, in relation to paupers '40-116, '59-580
Election of '44-568
Pay fixed '65-690

Greene County—*Continued.*
TAXES—To regulate collection of '55-528, '62-56, '68-667, '69-808, '85-204
Penalty on—See Assessments—Road Taxes '57-163
TRESPASS on orchards, etc., penalty for '61-478
VIEWERS OF ROADS '45-25, '76-207
WASHINGTON TOWNSHIP—
Two additional Supervisors authorized '59-214
Roads, Cumberland Township, Act extended to '72-101
WAYNE TOWNSHIP—Polling place changed '60-112
Two additional Supervisors authorized '60-152
Bounty tax authorized '65-184
Game Act of April 21, '69, repealed, as to squirrels '72-625
WHITELEY TOWNSHIP—Additional Supervisors '67-1029

HUNTINGDON COUNTY.

Organized from part of Bedford County, September 20, 1787. Ch. 1300.

ANTIS TOWNSHIP—Polling place fixed '42-53
APPEALS from assessments '32-153
BARREE TOWNSHIP—Election of Supervisors '32-152, '48-187
BAYNTON, PETER—Taxes on land of, paid by State Ch. 4899
BOARD OF REVISION OF TAXES '62-143
BRADY TOWNSHIP—Polling place fixed '54-247
BRIDGES Act of April 13, '43, repealed '44-86
CARBON TOWNSHIP—Erection of lock-up '59-451
CASS TOWNSHIP—Polling place fixed '43-53
State road changed '54-441
CLAY TOWNSHIP—Repairs of roads '64-167
Four Supervisors authorized '69-418
CONSTABLES to remove obstructions in navigable streams Ch. 5111
Duties of, in relation to collection of taxes '72-179
COUNTY BRIDGES Act of April 13, '43, repealed '44-36
CROMWELL TOWNSHIP—Additional Supervisor authorized '61-68
DIRECTORS OF THE POOR—Pay fixed '51-29
Duties and election of '50-693
Mileage allowed '55-377
Sale of Poor House farm '52-653
Authorized to purchase real estate '71-80
Mileage and time of meeting Act of March 14, '73, repealed '76-136

Huntingdon County—*Continued.*

DUBLIN TOWNSHIP—Certain roads Act of April 5, '43, rep. '50-641
Polling place fixed '53-81
Additional Supervisor authorized '61-68
FRANKLIN TOWNSHIP—Polling place fixed '44-14, '50-730
FRANKSTOWN TOWNSHIP—Separate School District '37-263
FRUIT—Protection of '60-362
HENDERSON TOWNSHIP—Polling place fixed '49-110
Act to annex farm of John Warfel to Oneida Township repealed '72-1050
HOPEWELL TOWNSHIP—Polling place fixed '51-294, 563
Bounty tax authorized '64-1019, '66-501
HUNTINGDON SCHOOL DISTRICT—Boundaries extended '51-121, '52-143
JACKSON TOWNSHIP—Loan authorized '52-667
Roads and bridges Act of April 22, '57, repealed '59-133
Polling place changed '59-145
MORRIS TOWNSHIP—Independent School District erected '70-1084
ONEIDA TOWNSHIP—Certain lands annexed to for school purposes '66-613
Act to annex farm of John Warfel repealed '72-1050
ORCHARDS—Protection of '60-362
OVERSEERS OF POOR—Office abolished '50-696
PATTERSON INDEPENDENT SCHOOL DISTRICT—Erection of '70-1084
PENN TOWNSHIP—Polling place fixed '53-175, '54-354
POOR DIRECTORS—See Directors of Poor
POOR HOUSE—Erection of '50-692, '51-29
POOR HOUSE FARM—Sale of '52-653
PORTER TOWNSHIP—Cash road tax '52-206
Erection of Independent School District '71-1279
Bounty tax authorized '64-1019
Pay of Supervisors '67-1230
ROADS Act of April 13, '43, repealed '44-86
ROAD TAXES—Collection of '30-41
SHIRLEY TOWNSHIP—Polling place fixed '42-49, '54-193
Two additional Supervisors authorized '61-162
Collection of road tax '69-1096
Twenty-mill road tax authorized '71-837
County appropriation to a certain road '71-415
SNYDER TOWNSHIP—Separate election district '42-53, 264
SOUTH MAHONING TOWNSHIP—Election of Supervisors '51-87
SPRINGFIELD TOWNSHIP—Polling place fixed '44-575
SUGARGROVE TOWNSHIP—Separate election district '42-127

Huntingdon County—*Continued.*
SUPERVISORS—Duties of '30-41
Not required to give bond Act of April 16, '61, repealed '89-168
TAXES—To regulate the collection of. See Board of Revision—Constables—Road Taxes '65-796, '72-179, '85-204. See '01-398
TELL TOWNSHIP—Polling place fixed '43-53
Twenty-mill road tax authorized '71-337
County appropriation to certain road '71-415
TOD TOWNSHIP—Polling place fixed '49-110
Erection of lock-up '58-153
TOWNSHIP ACCOUNTS—Settlement of '30-41, 190, '54-266
TOWNSHIP AUDITORS—Pay, election and duties of '30-190, '54-266
TRESPASS—On orchards, gardens, etc., penalty for '60-362
On railroad cars prohibited '73-181
UNION TOWNSHIP—Polling place fixed '43-52, '44-18
UNSEATED LANDS—Owners of may appeal from assessments '32-153
WALKER TOWNSHIP—Erection of independent school district '71-1279
WARRIOR'S MARK TOWNSHIP—Polling place fixed '42-321
Bounty tax authorized '65-142
Water Company '53-742, '57-480, '63-403
Compensation of Auditors and Supervisors fixed '72-1025
WOODBURY TOWNSHIP—Separate assessment district '39-594

INDIANA COUNTY.

Organized from parts of Westmoreland and Lycoming Counties, March 30, 1803. Chapter 2363.

APPEALS FROM ASSESSMENTS '71-665
ARMSTRONG TOWNSHIP—Polling place fixed '49-556, '53-214
W. C. McKnight's land attached to '51-140
ASSESSMENTS—Appeal from. See Taxes '71-665
ASSESSORS—Pay fixed '66-718, '67-505, '68-1120, '69-683
BLACKLICK TOWNSHIP—Election and duties of Supervisors '51-88
Special school tax '68-996
BRIDGES—Building and maintaining '60 144
BRUSH VALLEY TOWNSHIP—Polling place fixed '61-158
Election of Supervisors '60-55
BURRELL TOWNSHIP—Polling place fixed '54-106
Election of Overseers of Poor '59-465
Collection of road taxes '66-718

Indiana County—*Continued.*

Liquor licenses '67-591
Surplus bounty fund '67-917
To prevent cattle, etc. from running at large '70-580
CENTRE TOWNSHIP—Boundaries enlarged '50-726
Additional Supervisor authorized '57-131
Polling place fixed '60-111
CHERRY HILL TOWNSHIP—Polling place fixed '55-52
Election of Treasurer—Part of road tax collectible in money, '56-382, repealed '95-66
Additional Justice of the Peace '67-192
CLARKSBURG SCHOOL DISTRICT erected '50-180
CONEMAUGH TOWNSHIP—
Road taxes part payable in money '50-373, '56-78
Four Supervisors authorized '68-878
Supervisors authorized to collect road taxes in money '72-457
CONSTABLES—Duties of in relation to collection of taxes '72-954, '73-472
DIRECTORS OF POOR—Election, pay and duties of '55-202
Erection of Poor House and purchase of farm '55-202, '56-326
DRAINAGE of wet and swampy lands '63-293
Of mines '71-318
FRUIT—Protection of '53-491, '55-155
GARDENS—Protection of '53-491, '55-155
GEORGEVILLE SCHOOL DISTRICT erected '52-600
GREEN TOWNSHIP—Polling place fixed '55-52
Part of road tax payable in money '57-72
Supervisors and Overseers to give bond—Election of Treasurer '61-662
Election of Treasurer Act of April 17, '56, repealed '64-374
Bounty tax authorized '65-116
JUSTICE OF THE PEACE—County divided into districts Ch. 3868
LAND—Drainage of '63-293
MAHONING TOWNSHIP—Auditors appointed to settle accounts. See North Mahoning—East Mahoning '46-366, '47-130
Election and pay of Supervisors '51-87
Supervisors Act of April 10, '26, repealed '27-385
NORTH MAHONING TOWNSHIP—Polling place fixed '54-446
ORCHARDS—Protection of '53-491, '55-155
OVERSEERS—Pay increased '68-1120
PINE TOWNSHIP—Separate election district '49-556
POOR DIRECTORS—See Directors of Poor.
POOR HOUSE—Erection of '55-202
Purchase of farm '55-202, '56-326

Indiana County—*Continued.*

RAYNE TOWNSHIP—Election of Auditors '46-21
Erection of public hall '67-1207
ROAD VIEWS—Notice to be given '57-310
ROAD VIEWERS—Pay fixed '69-683
ROADS—Opening and maintaining. See Surveyors '60-144
SCHOOL DISTRICTS Act of April 22, '41, repealed '50-137
Directors authorized to condemn land for school houses. See Teachers' Institutes '65-228
SUPERVISORS—Pay fixed '68-1120, '69-683
SURVEYORS OF ROADS—Pay fixed '54-239, '69-683
SWAMPS—Drainage of '63-293
TAXES, SPECIAL, in aid of railroad extension '53-348
To regulate the collection of '72-954, '85-204
Time of payment. See Assessments—Constables '73-472
TOWNSHIP AUDITORS—Pay fixed '68-1120, '69-683, '70-1217
TOWN TREASURER Act of May 1, '61, repealed '64-874
TRESPASS on orchards and gardens '53-491, '55-155
VIEWERS of drains for wet and swampy lands, duties of. See Road '63-293
WASHINGTON TOWNSHIP—Four Supervisors authorized '54-146
Bounty tax authorized '67-334
WET LANDS—Drainage of '63-293
WHEATFIELD TOWNSHIP—Election of constable '25-67
Polling place fixed '60-36
WHITE TOWNSHIP Act of March 11, '51, annexing land rep. '87-123
Auditors, election of '44-60
Bogg, Alexander, land of, attached to '46-420
Getty, John, land of, annexed to '62-298
Indiana Borough, part annexed to '44-327, '48-444, '58-86
Indiana School District, part annexed to '48-444
McDonald, Wilson, land of, annexed to '49-528
Polling place fixed '72-1378
Poor taxes, collection of '73-839
Road taxes to be collected in money '64-772, '68-826
Road, part of, annexed to Indiana '71-1155
School loan authorized '67-970
School taxes, collection of '73-339
St. Clair, John, Act annexing farm of, repealed '87-123
Supervisors, election of '51-480
YOUNG TOWNSHIP—New school district erected '52-528
Polling place fixed '50-87, '60-32
Four Supervisors authorized '65-733

JEFFERSON COUNTY.

Organized from part of Lycoming County, March 26, 1804, Ch. 2466

BARNETT TOWNSHIP—Duties of Supervisors '48-208, '51-519
Polling place fixed '32-409, '35-357, '54-446
BEAVER TOWNSHIP—Election and school district erected '50-63
Erection of '50-114
Boundaries Act of March 12, '44, repealed '51-608
Boundaries extended '50-454, 1033, '52-245
Polling place fixed '50-114, '53-59
Boundaries Act of April 11, '50, repealed '54-634
CLOVER TOWNSHIP—Polling place fixed '42-322, '50-114
CORSICA TOWNSHIP—Farm of James A. Aaron annexed to '72-1120
DOG TAX Act of April 20, '54, repealed '55-30
ELDRED TOWNSHIP—Polling place fixed '50-113, '51-470, '54-447
Additional poor tax authorized '70-839
ELECTIONS—Time of holding '41-71, '50-322, 345, '58-328
Township, expense to be paid by townships '45-328
FOX TOWNSHIP—Clearfield County annexed to '68-651
FRUIT—Protection of '61-478
GARDENS—Protection of '61-478
GASKILL TOWNSHIP—Polling place fixed '42-322, '44-75
Return of unseated lands, nunc pro tunc '67-1521
HEATH TOWNSHIP—Polling place fixed '47-422
Roads, election of Road Commissioners '48-50
KNOX TOWNSHIP—Polling place fixed and relative to taxes '53-428, 466
McCALMONT TOWNSHIP—Return of unseated land, nunc pro tunc '60-283
Bounty tax authorized '66-346
NORTH PORTER TOWNSHIP—Erection of sub-school district '50-186
OLIVER TOWNSHIP—Return of school taxes on unseated lands '59-148
ORCHARDS—Protection of '61-478
PERRY TOWNSHIP—Divided into two school districts '42-124
New election and school districts erected '51-42-35
Polling place fixed '51-42, '53-525
PINE CREEK TOWNSHIP—Erection of Ch. 2715
Roads, election of Road Commissioners '48-50
POLK TOWNSHIP—Polling place fixed '51-192
Fifteen mill road tax authorized—Supervisors' pay fixed '64-456

Jefferson County—*Continued.*

PORTER TOWNSHIP—Polling place fixed. See North Porter '49-221, 555
Re-audit of accounts '57-566
School district reduced '50-186

RINGGOLD TOWNSHIP—Jurisdiction of School Directors '50-181, '52-38
Erection of '50-68
School District enlarged '52-111
Polling place fixed '50-68, '53-118
Return of unseated lands, nunc pro tunc '67-1521

ROAD TAX—Two-thirds to be worked before October 1st.
See Supervisors—Surveyors.
'31-493. Act of April 2, '67, repealed '68-135
On unseated land '42-320, '53-518, '62-214
Labor '68-437

ROADS—Grading and improvement of See Supervisors '26-387, '31-493
Repair of Act of April 10, '26, repealed '28-463
Expenses of opening to be paid by townships '45-328

ROAD VIEWS Act of April 7, '45, repealed '50-205
Viewers, pay fixed '67-662

ROSE TOWNSHIP—Polling place fixed '42-322
Boundaries fixed '38-600
School taxes payable to Brookville '37-379
Disbursement of road taxes '62-438
Certain road authorized '72-1016

SCHOOL DIRECTORS may condemn lands for school purposes '65-228

SNYDER TOWNSHIP—Polling place fixed '35-352, '42-325
Part of Fox Township, Clearfield County, annexed to '68-651
Tax on unseated lands, return of, nunc pro tunc '69-292
Acts of J. W. Green, Justice of the Peace, validated '69-569
Repair and opening of roads by contract '69-919
Sale of liquor prohibited '72-453

SOUTH PORTER TOWNSHIP—Erection of sub-school district in '50-186

SUPERVISORS to give bond—See Roads '45-328
To appropriate road tax '31-493
Pay fixed '65-531, '68-437, '72-672, '74-138

SURVEYORS of roads and bridges, compensation fixed '67-662, '72-672

TAX COLLECTORS—Penalty for refusing to serve '62-196
Appointment of '61-1079

TAXES—Additional authorized. See Road Taxes '64-461
Collection of '57-53, '71-1079

Jefferson County—*Continued.*

TOWNSHIP AUDITORS to file statement with Clerk of Courts '45-329
To settle first Monday in February '65-713
Pay fixed '67-662, 828, '70-714
TOWNSHIP ELECTIONS '41-71, '42-322
TOWNSHIP OFFICERS Act of April 2, '67, repealed '68-135
TOWN CLERK—Election and pay of '67-662
TOWNSHIP to pay expenses of opening roads and elections '45-328
Treasurer to give official bond '67-662
TRESPASS—On orchards, gardens, etc., penalty for '61-478
UNION TOWNSHIP—Erection of '49-560
Separate election district '49-557
Polling place fixed '50-114, '52-245
VIEWERS OF ROADS '45-254, '50-205, '67-662
WARSAW TOWNSHIP—Separate election district '42-325
Roads, election of Road Commissioners '48-50
Road tax restricted '48-50
Roads and bridges Act of February 13, '47, repealed '49-221
WASHINGTON TOWNSHIP—Polling place fixed '49-557, 553
WHITESVILLE SCHOOL DISTRICT erected '42-124
YOUNG TOWNSHIP—Polling place fixed '51-293
Collection of school tax '55-77

JUNIATA COUNTY.

Organized from part of Mifflin County, March 2, 1831, P. L. 99.

BEALE TOWNSHIP—Separate election district '43-54
Powers of Constables '51-594
Land of John Woodward annexed to '53-186
Of William Bratton annexed to '59-473
Poor house erection '65-635, '66-937, '67-910
BRIDGES on Juniata River, erection of '51-803
Free on Juniata River '50-172, 267
DAMAGES—Road '46-231, '59-283
DELAWARE TOWNSHIP—Preservation of game '52-586
Polling place fixed '61-780
New road and additional road tax authorized '70-735
Special audit of accounts '72-796
DIRECTORS OF THE POOR—Election and duties of '44-518, '52-369

Juniata County—*Continued.*

DRAINAGE of wet and swampy lands '63-293

EVENDALE INDEPENDENT SCHOOL DISTRICT
Election of Assessors authorized '72-272

FAYETTE TOWNSHIP—Preservation of game '56-404

FERMANAGH TOWNSHIP—Polling place fixed '51-429, '52-361
Damage for trespass of cattle, etc. '62-250
Bounty tax authorized '65-512, 515, '66-270
Two additional Auditors to be elected '69-383

GREENWOOD TOWNSHIP—School Directors authorized to collect balance of bounty tax '72-1022
Preservation of game '56-404

LACK TOWNSHIP—Separate election district '49-557
Separate road district erected '51-470
Polling place fixed '52-238
Election of Supervisor Act of April 12, '51, repealed '62-287
Bounty tax authorized '66-439
Poor house, erection of '65-665, '66-937, '67-910
Fences, legal requirements for '71-1137, repealed '01-190
Tenants to maintain fences '71-1137, repealed '01-190

LAND—Drainage of '63-293

MILFORD TOWNSHIP—Separate election district '43-54
Separate road district erected '51-611
Preservation of game '56-404
Damages for trespass of cattle, etc. '62-250
Poor house—Erection of '65-665, '66-937, '67-910

MONROE TOWNSHIP—Independent school district authorized '70-255

OVERSEERS OF POOR—Office abolished '44-521

PAUPERS—Legal settlement and care of '44-521, '52-569, '65-665

POOR DIRECTORS—See Directors of Poor.

POOR HOUSE—Erection of '44-518, '52-369, '65-665

ROAD DAMAGES—Assessment of '46-231, '59-283

ROADS—Act of March 29, '59, repealed. Act of February 24, '45, adopted '71-329

SUPERVISORS—Duties of, in relation to the poor '44-521, '52-372
Pay fixed '69-983

SWAMPS—Drainage of '63-293

TOWNSHIP AUDITORS—Compensation of '72-925

TURBETT TOWNSHIP—Polling place fixed '44-574, '52-631
Protection of game '56-404
Poor house, erection of '65-665, '66-937, '67-910

Juniata County—*Continued.*

TUSCARORA TOWNSHIP—Separate election district '49-557
Separate road district '51-470
Polling place fixed '52-238
Poor house, erection of '65-665, '66-937, '67-910
Certain lands annexed to Reed School District '71-367
To pay bounty claims '70-676, '71-1191
WALKER TOWNSHIP—Preservation of game '52-586
Bounty tax authorized '65-492
WET LANDS—Drainage of '63-293

LACKAWANNA COUNTY.

Organized from part of Luzerne County, by decree of Court, August 13, 1878.

ABINGTON TOWNSHIP—Roads and bridges.
See North Abington—South Abington '46-205
Sale of liquors regulated '52-287, '53-386
Dog tax for protection of sheep '62-452
Divided into two wards '64-310
Cattle running at large Act of March 17, '69, repealed '70-158
BENTON TOWNSHIP—Roads and bridges '46-205
Polling place fixed '51-140
Dog tax for protection of sheep '62-452
Fishing regulated '67-325, '69-648, '73-1122
Bounty surplus transferred to school fund '67-522
Protection of fish in '69-648
Protection of pickerel in Sheik's pond '64-132, '66-331
Collection of judgments for taking fish from ponds and lakes '73-1122
BLAKELY TOWNSHIP—Roads and bridges '46-205
Election of additional Justices of the Peace '48-515
Erection of poor house '61-346
Directors of Poor, appointment of '61-346, '62-232
Repairing roads by contract Act of April 3, '62, repealed '64-214
Bounty tax authorized '64-544
Election of Constables '67-942
Appointment of Auditors '68-1107
CARBONDALE TOWNSHIP—Election of Justice of the Peace '43-59, 104
Roads and bridges '46-205
Payment of County tax to Carbondale Borough. Act repealed '77-84
Appointment of Flour Inspector '49-582
Supervisors to give bond '52-422
Polling place fixed '51-294

Lackawanna County—*Continued.*

COVINGTON TOWNSHIP—Roads and bridges '46-205
One-fourth of County tax to be paid to Scranton '70-903, '77-83
To be divided into two wards '69-377, '74-377
Appointment of auctioneers '70-1040
Drainage of land '68-452
FELL TOWNSHIP—Roads and bridges '46-205
Polling place fixed '52-128, 449
Payment of County tax to Carbondale Borough Act repealed '77-84
Twenty mill road tax authorized '68-850
Lien of judgments of Mayor's Court of Scranton '57-337
GREENFIELD TOWNSHIP—Polling place fixed '58-111
Bounty tax authorized '67-912
Lien of judgment of Mayor's Court of Scranton '57-387
JEFFERSON TOWNSHIP—Roads and bridges '46-205
Dog tax for protection of sheep '62-452
County tax payable to Scranton. Act repealed '77-83
Bounty tax authorized '64-492
Appointment of auctioneer '70-1040
Polling place fixed '50-702, '72-1391
LACKAWANNA TOWNSHIP to constitute part of poor district of Pittston, etc. '60-293, '62-155, '81-77
Appointment of Director of Poor by Court '70-661
Roads and bridges '46-205
Auctions regulated '69-350
Boundaries extended '62-343
Bounty tax authorized '64-544
LAND—Drainage of '68-452
MADISON TOWNSHIP—Polling place fixed '50-113
Dog tax for protection of sheep '62-452
Bounty tax authorized '64-492
One-fourth of County tax to be paid to Scranton '70-903, '77-83
Roads Act of February 8, '60, repealed '66-704
Appointment of auctioneers '70-1040
School loan authorized '71-598
NEWTON TOWNSHIP—Roads and bridges '46-205
Polling place fixed '43-51, '52-39
Bounty tax '66-359
Erection of Poor House '68-660
NORTH ABINGTON—Erection of poor house '68-660
Bounty money appropriated to school purposes '75-65
NORTHERN POOR DISTRICT '68-660

Lackawanna County—*Continued.*

OLD FORGE TOWNSHIP erected '71-1239
Appointment of Director of the Poor by Court '70-661
To constitute part of poor district of Jenkins Township, Pittstonboro and Pittston Township '81-77
PROVIDENCE TOWNSHIP—Powers of trustees of township, '35-274, '41-321, '62-526, '69-132
Election and duties of township officers '41-321
Roads and bridges '46-205
Polling place fixed '50-702
Out door poor, relief of '63-233
Poor House, regulation of '62-352, '63-233, '66-230, '68-760, '71-1090
Annexed to Scranton '66-1034
Accounts of the poor '71-1090
Name of poor district changed to Scranton Poor District '79-28
RANSOM TOWNSHIP—Polling place fixed '50-114, '51-192
Bounty tax authorized '66-470
Cattle, etc. not to run at large '68-865
Auctions regulated '70-1241
ROARING BROOK TOWNSHIP—Erection of '71-1086
SOUTH ABINGTON—Erection of Poor House '68-660
Bounty money appropriated to school purposes '75-65
SPRING BROOK TOWNSHIP—Polling place fixed '54-353
WATER COURSES—To be kept open '68-452
WET LANDS—Drainage of '68-452

LANCASTER COUNTY.

Organized from part of Chester County, May 10th, 1729. Chapter 306.

APPEALS FROM ASSESSMENTS '23-66, '72-215
ASSESSMENTS—Appeals from '23-66, '72-215
Regulating '27-57
Of farms divided by township lines '42-244
Providing for appeal from decision of County Commissioners '72-215
ASSESSORS' pay fixed Act of March 23, '65, repealed '91-63
BART TOWNSHIP—To prevent cattle, etc. from running at large '70-862
Dog tax Act of March 25, '58, repealed '72-134
Roads Acts of March 25, '53, and March 7, '67, repealed '79-7

Lancaster County—*Continued.*

BRECKNOCK TOWNSHIP—Bounty tax authorized '65-208
Surplus bounty funds '68-214
Rabbits and partridges, protection of '72-643
Re-audit of bounty accounts '70-610
To consolidate office of Assessor and constable, Act of February 19, '69, repealed '78-39

BRIDGES—See Viewers—Supervisors
Columbia Bridge Company required to reconstruct '67-361
Over Conestoga Creek, by Abraham Witmer, authorized Ch. 1302, 1999
Made free Ch. 3529
County Commissioners may require townships to pay part of cost of erecting '61-358, 488
Duties of, in relation to '47-170
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LAWRENCE COUNTY.

Organized from parts of Beaver and Mercer Counties, March 20, 1849. P. L. 551.

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When to become a charge upon districts where located '72-1007
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Election and duties of '56-352, '68-227, '79-168
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Of City of New Castle to succeed Directors of Poor of Lawrence County—To appoint Treasurer '73-606
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NORTH SEWICKLEY TOWNSHIP—Part attached to Wayne '50-107
NORTH SLIPPERY ROCK TOWNSHIP—Name changed. See Slippery Rock '50-107
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SHENANGO TOWNSHIP attached to Pulaski '50-107
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UNION TOWNSHIP—School loan authorized 70-599
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WET LANDS—Drainage of '66-902, '72-303
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Cows may run at large, when '71-105
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LEBANON COUNTY.

Organized from parts of Dauphin and Lancaster Counties Feb. 16, 1813. Ch. 3650.

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COLD SPRING TOWNSHIP—Polling place fixed '54-246, 345
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Boundaries extended in Dauphin County Ch. 4999
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Hunting deer with dogs prohibited '60-217
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LEBANON TOWNSHIP—See North Lebanon—South Lebanon '35-353
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NORTH LEBANON Independent School and Road District, erected '71-892
NORTH LEBANON TOWNSHIP—Election of School Directors '44-606
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ORCHARDS—Protection of '61-473
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ROAD AND BRIDGE VIEWS—To regulate '72-413, '91-114
ROAD VIEWS—How paid '48-424
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Supervisors to give bond '48-429
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TRESPASS on orchards, etc. '61-478
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Hunting deer with dogs prohibited '60-217
Certain road vacated '69-844
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LEHIGH COUNTY.

Organized from part of Northampton County, March 6, 1812, Ch. 3454.

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ELECTION—Regulation of '52-39, '71-204
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HANOVER TOWNSHIP—Preservation of birds and game '41-43
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LOW HILL TOWNSHIP—Polling place fixed '53-131
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LOWER MACUNGIE TOWNSHIP—Length of term of constable '44-573
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LOWER SAUCON TOWNSHIP—Road tax on zinc ore mines '71-844
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NORTHAMPTON TOWNSHIP—Constables eligible to re-election '33-209
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POOR DIRECTORS—See Directors of Poor.
POOR HOUSE—Erection of '40-186, '44-256, '45-9
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TAX COLLECTORS—Appointment of. See Assessor '44-160
Commissions, part to be paid to school districts '64-894
TAXES—To enforce prompt payment of, from decedents' estates '71-780
UPPER MACUNGIE TOWNSHIP—
Eligibility of Constables to re-election '57-332
Bounty tax authorized '65-232
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UPPER SAUCON TOWNSHIP—Election of Constables '42-145
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LUZERNE COUNTY.

Organized from part of Northumberland County, September 25, 1786, Ch. 1233.

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Pay increased—See Unseated Lands '65-121, 177

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Organized from part of Lycoming County, March 26, 1804. Chapter 2466.

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TAXES—Road, assessment and collection of. See Assessments—
Bridges '44-231, '46-204, '53-614, '59-636, '71-1308
Poor assessments and collection of '73-637
When Court may order levy of '54-825
TOWN CLERK—Election of '33-77
TOWNSHIP AUDITORS—Time of meeting '51-294
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TOWNSHIP COMMISSIONERS—Election of '44-230, 453, '60-553
TOWNSHIP ELECTIONS—When held '40-754
TOWNSHIP TREASURER—Election of '46-41
Appointed by Court '46-277
UNSEATED LANDS—Collection of road taxes on '44-232, '71-1308
To be liable for poor taxes. See County Treasurer '73-637
WETMORE TOWNSHIP—Supervisors to build a certain road '59-362

MERCER COUNTY.

Organized from part of Allegheny County, March 12, 1800. Chapter 2119.

BEAR CREEK TOWNSHIP—Ross Township changed to '52-496, '57-52
BELL INDEPENDENT SCHOOL DISTRICT authorized to borrow money '69-836
BRIDGE VIEWERS—Court to appoint three. See Roads '36-245, '58-65
Pay fixed '71-14
CATTLE RUNNING AT LARGE—See Fences '71-411, '73-310
Strays, to regulate the taking and empounding of Ch. 4680
CONSTABLES required to give sureties Ch. 3563
COOL SPRING SCHOOL DISTRICT—Certain farms annexed to '61-596
COOL SPRING TOWNSHIP—
Part of Springfield Township annexed to '42-324
Separate election and school district '51-43
DELAWARE TOWNSHIP—Polling place fixed '54-151

Mercer County—*Continued.*

DELINQUENT TAXES—Penalty on '54-600, '73-174

DIRECTORS OF POOR—Election of '50-239

Authorized to sell Poor House farm and purchase another '52-472

Powers and duties of '50-240, 242

Compensation of '50-242, '60-254, '65-152, '68-284, '71-14

DOG TAX fixed '62-322, '63-242, '72-939, rep. '97-235

DRAINAGE—Wet and spouty lands, coal and ore mines, and stone quarries regulated '71-987

EAST LACKAWANNOCK SCHOOL DISTRICT—

J. H. Wright's land annexed to '67-1220

ELECTIONS Act of February 27, '49, extended to '50-218

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Act of March 14, '50, repealed '52-48

FENCES—To regulate '16-69

FINDLEY SCHOOL DISTRICT—

A part of Mercer District annexed to '62-256

FRUIT—For the protection of '55-55, '61-478

And ornamental trees, protection of '67-907

GARDENS—Protection of '55-55, '61-478

GREENE TOWNSHIP—Salem Township, erection of '44-14

Line to be the Erie extension canal '49-509

Part of Salem Township attached to '50-416

Payment of bounties Act of March 14, '67, rep. '68-327

HICKORY TOWNSHIP—Polling place fixed '32-416

School Directors may tax railroads, coal lands and personal property '70-935

Road Commissioners, election of Act of May 10, '71, rep. '72-733

Supervisors authorized to levy per capita labor road tax '72-938

Per capita road tax and three-mill tax repealed '74-297

JEFFERSON TOWNSHIP—Polling place fixed '51-49, '52-134

Volunteer bounty tax validated '65-530

LABOR ROAD TAX—To be worked before September 1 '30-25, '60-38

LACKAWANNOCK TOWNSHIP—

Polling place fixed. See West Lackawannock '34-480

LAKE TOWNSHIP—Polling place fixed '51-42

Separate school district '51-42

LAND—Drainage of '71-987

LIBERTY TOWNSHIP—Polling place fixed '51-191

Farm of William Gill attached to '52-304

Mercer County—*Continued.*
MAHONING TOWNSHIP divided '45-522
To elect four Supervisors '34-108
Part annexed to Neshannock Township '43-50
Polling place fixed '45-522
MERCER TOWNSHIP—Polling place fixed '44-19, 44
MILL CREEK TOWNSHIP—Cattle, etc. running at large '67-1071
NESHANNOCK TOWNSHIP—Part of Mahoning annexed to '43-50
OFFICERS, PUBLIC—Suits by '61-61
ORCHARDS—Yards and Gardens, trespass on how punished, '55-55, '61-478, '67-907
ORNAMENTAL TREES—Protection of '67-907
OTTER CREEK TOWNSHIP—
School Directors authorized to levy tax for bounty purposes '66-485
OVERSEERS OF POOR—Office abolished '50-242
PATHMASTERS—Election of '46-420
To have road work done by August 1st and settle in month of November '60-38
Duties of and penalties for refusing to serve '60-38
POOR DIRECTORS—Election of '50-239
Powers and duties of '50-240, 242
Compensation of '50-242, '60-254, '71-14
Authorized to sell poorhouse farm and purchase another '52-472
POOR HOUSE—To provide for erection of '47-469, '50-239
Sale of farm '52-472
PULASKI TOWNSHIP—Polling place fixed '45-522
PYMATUNING TOWNSHIP—Polling place fixed '50-331
Farms of Charles Koonce and Mary Baggo annexed to '53-711, '54-288
School Directors authorized to lay tax and build school house '68-1003
Supervisors authorized to collect per capita tax '73-132
ROAD COMMISSIONERS—Election and duties of '46-265
ROAD TAXES—Apportionment of '46-265
ROAD DISTRICTS—Each to consist of a sub-school district '60-38
Masters, duties and penalties for refusing to serve '46-420, '60-38
Tax, one-half to be worked out before September 1st '30-25
Viewers, appointment, duties and pay of '36-245, '38-651, '43-177
To have road work done by August 1st and settle in November '60-38
Viewers, pay fixed '71-14

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ROADS AND BRIDGES Act of May 7, '44, extended '45-291
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ROSS TOWNSHIP—Name changed to Bear Creek Township '52-496, '57-52
SALEM SCHOOL DISTRICT—
Farms of J. McKean, et al., attached to for school purposes '67-915
SALEM TOWNSHIP—
Line of Green Township, to be the Erie Extension Canal '49-509
ROADMASTER—Repairs of roads '48-422
Part attached to Green Township '50-416
School loan authorized '68-1129
SANDY CREEK TOWNSHIP—Polling place fixed '53-81
SANDY LAKE TOWNSHIP SCHOOL DISTRICT—
May send advanced scholars to Brownsville School '67-838
SCHOOL DISTRICTS—Each to be a road district '60-38
Sub-districts to elect sub-committee '45-529
SCHOOL HOUSES—Methods of selecting sites for '64-411
SHEEP—For the improvement of breed of Ch. 3867
Prohibited from running at large. See Fences '71-411, '73-310
Damages to '62-322, '63-242, '65-330, '72-939
SHENANGO TOWNSHIP—Polling place fixed '35-357, '51-41
Election of Supervisors '44-244, '48-481
School Directors to levy bounty tax '66-484
SLIPPERY ROCK TOWNSHIP—Polling place fixed '26-404
SPRINGFIELD TOWNSHIP—
Part of, set off into Cool Spring Township '42-324
STATE ROADS—Townships to repair Ch. 5227
STRAYS—To regulate the taking and empounding of. See Fences Ch. 4630
SUB-SCHOOL DISTRICTS '45-529
SUPERVISORS to work out one-half road tax before September.
See Roads '30-25
To apportion roads among sub-school districts '46-269
To perform duties of Overseers of Poor '50-243
To take charge of Butler and Mercer Turnpike Road '54-220
SURVEYORS—Appointment to survey roads, and pay of '67-270
SWAMPS—Drainage of '71-987
SWINE—Concerning raising of Ch. 4174
Prohibited from running at large. See Fences '71-411, '73-310
TAX COLLECTORS allowed expenses and legal fees for conveying prisoners to jail '69-671
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Mercer County—*Continued.*

TAXES—Labor road to be one-half worked out before September. See Assessments '30-25
To reduce the expense of collection of '53-5
Penalty added to delinquent '54-600, '73-174
TOWNSHIPS to keep State roads in repair Ch. 5227
TOWNSHIP AUDITORS—Appeals from—election and duties '30-26
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TREES, FRUIT OR ORNAMENTAL—Protection of '55-55, '67-907
TRESPASS ON GARDENS, ETC. '55-55, '61-478, '67-907
UNION SCHOOL DISTRICT—Office of Commissioner of, abolished '64-304
VIEWERS OF ROADS—Compensation of '36-245, '38-651
Court to appoint three, one a surveyor '36-245
Duties defined '43-177
Pay of surveyors '67-270
Roads and bridges, pay fixed '71-14
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WEST LACKAWANNOCK TOWNSHIP—Polling place fixed '52-37
WEST SALEM TOWNSHIP—
Election of additional Supervisors authorized '34-108
Polling place fixed '40-34
Damage for opening roads '48-422
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Levy of per capita labor road tax '72-930
WET LANDS—Drainage of '71-987
WOLF CREEK TOWNSHIP—Polling place fixed '51-156
WORTH TOWNSHIP—Polling place fixed '52-68
John Hamilton's land annexed to, for school purposes '67-1205

MIFFLIN COUNTY.

Organized from parts of Cumberland and Northumberland Counties, September 19, 1789. Chapter 1425.

ARMAGH TOWNSHIP—Erection of Poor House '48-347
Poor House Act of April 21, '46, repealed '47-467
Polling place fixed '51-426
Hunting deer with dogs prohibited '52-300
Supervisors authorized to subscribe to certain stock '54-254

Mifflin County—*Continued.*

BRATTON TOWNSHIP—Hunting deer with dogs prohibited '52-300
Preservation of game '59-404
Railroad safety gates '66-680
Roads Act of May 1, '61, repealed '67-963. See '95-255
Authorized to purchase turnpike road '71-35
Polling place fixed '72-274
BRIDGES Act of April 13, '43, rep. '44-86
BROWN TOWNSHIP—Erection of Poor House '47-467, '48-347
Polling place fixed '54-354
Supervisors authorized to subscribe to certain stock '54-254
Bounty tax authorized '66-693
CONSTABLES—Election of '27-24
COUNTY BRIDGES not to be built near toll bridges '50-172
DERRY TOWNSHIP—Supervisors' pay fixed '69-1181
Care of the Poor '45-265
DIRECTORS OF POOR—Election, powers and duties of '44-436, '46-461, '47-467, '50-556, '52-378
County Commissioners to act as '58-85, '70-98
DOGS—Hunting deer and elk with '48-223, '66-503
DOG TAX for school purposes '38-412
FRUIT—Protection of '55-169
GARDENS—Protection of '55-169
GRANVILLE TOWNSHIP—Polling place fixed '51-594
Land of Joseph Strode attached to '51-143
Farm of Jacob Ort attached to '54-417
Care of poor '45-265
Additional Supervisor authorized '55-371
Gates across the public roads '61-242, '67-722
Land of Thomas McCord annexed for school purposes '67-1271
MENNO TOWNSHIP—Erection of Poor House '47-467, '48-347
Polling place fixed '50-416
Bounty tax authorized '65-692
Cattle prohibited from running at large on Jack's Mountain '67-1123
OLIVER TOWNSHIP—Separate election district '49-134
Repairs of roads by contract '49-427
Boundaries of school district Act of April 3, '52, repealed '54-417
Public roads '57-159, '59-1044
Protection of game '57-203
Polling place fixed '49-560, '52-709, '57-535
Authorized to purchase turnpike road '71-35
ORCHARDS—Protection of '55-169

Mifflin County—*Continued.*

OVERSEERS OF POOR abolished '44-439
PAUPERS—Care and employment of '44-437, '46-461, '50-556
POOR HOUSE—Erection of '44-435, '46-461, '47-467, '50-556
Farm, sale of '51-122, '67-685, '68-745
Commissioners authorized to sell part of land and build '68-745
RIVER SCHOOL DISTRICT—Erection of 52-244
ROADS Act of February 24, '45, extended to '52-488
Act of April 13, '43, repealed '44-86
Act of April 5, '49, repealed '55-293
SCHOOL TAX ON DOGS '68-412
SUPERVISORS—Duties of, relative to poor '44-439
To collect certain fines '50-560
TRESPASS ON ORCHARDS, ETC. '55-169
UNION TOWNSHIP—Erection of Poor House '47-467, '48-347
Bounty tax authorized '65-699
Cattle prohibited from running at large on Jack's Mountain '67-1123
WAYNE TOWNSHIP—Elections regulated '34-478
Repairs of roads Act of April 5, '49, repealed '50-440
Polling place fixed '51-43
Preservation of game '56-404
Additional Supervisor authorized '59-233
Repair of roads by contract Act of April 5, '49, rep. '69-1044

MONROE COUNTY.

Organized from parts of Northampton and Pike Counties, April 1, 1836, P. L. 430.

BARRETT TOWNSHIP—Protection of fish Act of April 17, '69, rep. '70-840
Supervisors' pay fixed '73-633
BUSHKILL INDEPENDENT SCHOOL DISTRICT '65-527
CHESTNUT HILL TOWNSHIP—
Two additional Supervisors authorized '60-205
Dog tax Act of April 14, '63, repealed '66-410
Protection of fish '61-378, '66-575
COLLECTOR OF TAXES '48-445, '87-170
COOLBAUGH TOWNSHIP—Pay of Supervisors
Act of May 12, '71, repealed '87-179
DAMAGES—Road '50-395, '59-233

Monroe County—*Continued.*

DOG TAX '63-408
ELDRED TOWNSHIP—Dog tax Act of April 14, '63, repealed '65-416
Payment of bounties Act of April 6, '67, repealed '69-135
ELECTIONS—Compensation fixed for room rent '72-1091
Regulated '73-1118
HAMILTON TOWNSHIP—Two Supervisors authorized '59-141
Bounty tax authorized '68-233
Protection of sheep and taxing of dogs
Act of April 2, '70, repealed '74-296
JACKSON TOWNSHIP—Separate election district '44-76
Dog tax Act of April 14, '63, repealed '66-13
Protection of fish '66-575
Bounty tax Act of April 5, '70, repealed '72-144
MIDDLE SMITHFIELD TOWNSHIP—Opening of roads '52-609
Polling place fixed '43-49, '44-19, '52-449
Election of Supervisors '44-576, '54-107
Election of Township Treasurer '67-813
Dog tax '67-1249
Protection of sheep and taxing of dogs
Act of May 20, '57, repealed '78-95
NEW TOWNSHIPS—Collection of taxes in '48-445
OVERSEERS OF POOR—Pay fixed '68-133
PARADISE TOWNSHIP—Dog tax Act of April 14, '63, rep. '66-410
POCONO TOWNSHIP—Picking of cranberries regulated '62-203
Dog tax Act of May 20, '57, repealed '67-801
POLK TOWNSHIP—Dog tax Act of April 14, '63, rep. '65-416, '66-410
Protection of fish '66-575
PRICE TOWNSHIP—Polling place fixed '51-45, 60-120
Protection of fish Act of April 17, '69, repealed '70-840
ROAD DAMAGES '50-395
ROAD VIEWS AND DAMAGES '59-233. See '99-252
To be paid by petitioners '45-328. See '01-347
ROOM RENT—For elections, amount fixed '72-1091
ROSS TOWNSHIP—Polling place fixed '49-559, '52-238
Dog tax Act of April 14, '63, repealed '65-416
SHEEP—Payment of damages '63-408
SMITHFIELD TOWNSHIP—Election of Supervisors '44-54
Additional Supervisor authorized '69-431
Cattle, etc. running at large '71-205
Loans to pay, volunteer bounties legalized '71-555
Overseers of Poor authorized to sell land '72-769

Monroe County—*Continued.*
STROUD TOWNSHIP—Erection of '52-598
Additional Supervisors authorized '57-186
Erection of poor house '64-713
Bounty tax authorized '66-672
Protection of fish Act of March 29, '67, repealed '69-186
Settlement of bounty accounts '70-284
Payment of bounties legalized '70-733
SUPERVISORS to give security for unseated land tax '39-691
Pay fixed '68-133
TAXES—Collection of, in new townships '48-445
Collection of Act of May 6, '67, repealed '87-170
TOBYHANNA TOWNSHIP—Polling place fixed '49-558
Additional Supervisor '61-71
Dog tax Act of April 14, '63, repealed '66-410
Protection of fish '66-575
TOWNSHIPS—New, collection of taxes in '48-445
Auditors pay fixed '68-133
TUNKHANNOCK TOWNSHIP—
Dog tax Act of April 14, '63, repealed '66-410
CRANBERRIES Act of April 5, '59, repealed '66-426
PROTECTION OF FISH '67-575
UNSEATED LANDS—
Tax to be paid to Supervisors by County Treasurer '39-691
Purchasers of, at tax sales to give bonds '41-347
VIEWERS—Road, payable by petitioners '45-328, '59-233

MONTGOMERY COUNTY.

Organized from part of Philadelphia County, September 10, 1784, Ch. 1097.

ABINGTON TOWNSHIP—Acceptance of common school law '38-594
Additional school tax '48-2
Cattle, etc., running at large '67-683, '69-379
ASSESSORS not required to attend elections. See Taxes '44-220
Pay fixed '64-425
Mileage '73-361
Assessments, when to begin '73-286
Not to assess machinery '73-597
BRIDGES—By whom repaired '45-184

Montgomery County—*Continued.*

CHELTENHAM TOWNSHIP—Bristol Township line surveyed '42-192
Separate election district '50-414
Cattle, etc., running at large '63-453
CONSTABLES—Election of '27-24, '47-72
Eligible to re-election '32-148
Duties of, relative to collection of taxes '60-665, '68-343, '72-279
COUNTY COMMISSIONERS—Assessments, list of, to be furnished to Line Lexington Ind. School Dist. '73-535
Dog tax may be applied to county purposes '28-233
DAMAGES—Road '63-3
DIRECTORS OF POOR—Election and duties of Ch. 2656, 3850, '24-206
To publish statements of accounts Ch. 3257, 3850
Powers and duties of Ch. 3850, '24-206, '31-127
Not eligible to office of steward of poor house '55-176
Authorized to sell land '60-371
Pay fixed '64-425
DISTRAINT of goods for taxes '66-226
DOG TAX Act of March 23, '09, repealed Ch. 5236
Applied to county purposes '28-333
ELECTIONS regulated '40-348, '55-99
FRANCONIA TOWNSHIP—Polling place fixed '50-612
FREDERICK TOWNSHIP—Bounty tax authorized '66-349
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GARDENS—Protection of '55-55
GOSHENHOPPEN SCHOOL DISTRICT—Erected '51-827
GWYNEDD TOWNSHIP—
To prevent cattle, etc., from running at large '68-707
HATFIELD TOWNSHIP—Cattle, etc., running at large '72-295, '73-132
Part of, embraced in Line Lexington Independent School District '73-535
HORSHAM TOWNSHIP—Cattle, etc., running at large '70-773
JUSTICE OF THE PEACE—Duties of, relative to paupers '24-206
LIMERICK TOWNSHIP—Cattle, etc., running at large '70-773
Sale of school house '61-219
LINE LEXINGTON Independent School District erected '73-535
LOWER MERION TOWNSHIP—
Preservation of birds and game. See Upper Merion '41-43
Bounty tax authorized '65-103
Cattle, etc., running at large '68-702
Roads and bridges
Acts of March 2, '66, and April 11, '67, repealed '70-579
Supervisors to keep a portion of City Avenue in repair '72-967

Montgomery County—*Continued.*

LOWER PROVIDENCE TOWNSHIP—
Polling place fixed '49-560
Bounty tax Act of March 23, '65, repealed '68-380
Cattle, etc., running at large '69-379
LOWER SALFORD TOWNSHIP—
Polling place fixed. See Upper Salford '42-46, '52-127
Cattle, etc., running at large '72-295
MARLBOROUGH TOWNSHIP—
Lands annexed to for school purposes '53-470, '65-534
Cattle running at large '72-295
MONTGOMERY TOWNSHIP—Cattle, etc., running at large '73-132
MOORELAND TOWNSHIP—Cattle, etc., running at large '70-743
Trustees of J. Morris authorized to sell school lot '73-1109
NORRITON TOWNSHIP—Polling place fixed '52-639
Removal of toll house '63-232
Norris City Cemetery Company authorized to remove dead '63-471
Bounty tax authorized '65-715
Cattle, etc., running at large '73-132
OLD GOSHENHOPPEN SCHOOL DISTRICT—
Act of April 30, '50, repealed '59-215
ORCHARDS—Protection of '55-55, 234
OVERSEERS of Poor abolished Ch. 2656
PAUPERS—Care and employment of Ch. 2656
Commitment and discharge of '24-206
PERKIOMEN Independent School District abolished '61-517
PERKIOMEN TOWNSHIP—Election of Supervisors '33-76
Polling place fixed '52-39
Bounty tax authorized '65-277
Cattle, etc., running at large '69-379
PLYMOUTH TOWNSHIP—Acceptance of common school system '39-602
Separate election district '44-577
Supervisors to subscribe for turnpike road stock '48-116
Bounty tax authorized '65-211
Cattle, etc., running at large '69-379
POLLING PLACES—When to be open '40-348
POOR DIRECTORS—See Directors of the Poor.
POOR HOUSE—Erection of Ch. 2656, '70-744
Director not eligible as steward '55-176
POTTSGROVE TOWNSHIP—Polling place fixed '50-333
Cattle, etc., running at large '70-773
ROADS—Opening of, publication of proceedings '62-291
Act of March 15, '59, repealed '67-453

Montgomery County—*Continued.*

ROAD damages '63-3

ROAD VIEWS—County Commissioners to have notice of '71-717

Viewers, pay fixed '64-426

To be paid by petitioners '45-328, see '01-347

SCHOOL TAX—Assessment of '45-184

SKIPPACK TOWNSHIP—Election of Supervisors '33-77

SPRINGFIELD TOWNSHIP—Supervisors authorized to subscribe for stock of Wissahickon Turnpike Company '52-391

Water supply from Philadelphia '73-636

STEWARD OF POOR HOUSE—Directors not eligible '55-176

STRAYS Ch. 3225

SUPERVISORS—Duties in relation to poor Ch. 2656

Pay fixed '64-425, '65-513

TAX COLLECTORS—

Appointment of '40-651, Act of April 2, '41, repealed '44-411

Powers and duties of '47-340, '50-613

Act of May 5, '55, repealed '56-51

Constables made '60-665, '68-343, '72-279

Tax duplicates to be returned to County Commissioners' office '66-466

TAXES—Levy, assessment and collection of. See Assessors, Constable '64-315

To regulate collection of '45-184, '66-226, '68-342, '71-659, '72-279, '85-204

County restricted '52-113, '66-488, '71-979

TOWAMENSING TOWNSHIP—Polling place fixed '44-244

TOWNSHIP AUDITORS—Election and duties of '31-339

Pay fixed '64-425

TRESPASS on orchards, etc., '55-55, 234

UPPER DUBLIN TOWNSHIP—Collection of school tax '47-476

Education of poor '48-2

Polling place fixed '50-111

Cattle, etc., running at large '69-379

UPPER HANOVER TOWNSHIP—

Supervisors to subscribe for turnpike road stock '48-625

Polling place fixed '51-156, 425

Collection of taxes '52-113

Cattle, etc., running at large '72-295

Montgomery County—*Continued.*
UPPER MERION TOWNSHIP—Preservation of birds and game.
See Lower Merion '41-43
Polling place fixed '51-425
Bounty tax authorized '65-754
Cattle, etc., running at large '68-702
UPPER SALFORD TOWNSHIP—
Separate election district See Lower Salford '49-545
Cattle, etc., running at large '72-295
VIEWERS—See Road Views.
WHITE MARSH TOWNSHIP—
Supervisors to subscribe for turnpike road stock '48-116
Polling place fixed '52-334, '53-466
Cattle, etc., running at large '69-379
WHITPAIN TOWNSHIP—Loan authorized '54-443
Horses, sheep and swine running at large '68-707, '73-459

MONTOUR COUNTY.

Organized from part of Columbia County, May 3, 1850, P. L. 658.

ANTHONY TOWNSHIP—Polling place fixed '51-726, '52-238
COOPER TOWNSHIP—Overseers of Poor authorized to sell land '66-338
DERRY TOWNSHIP—Polling place fixed '51-726
DIRECTORS OF THE POOR—Election and duties of '54-654, '67-168
DOG TAX '64-77
LIBERTY TOWNSHIP—Polling place changed
Act of March 22, '59, repealed '60-260
LIMESTONE TOWNSHIP—Polling place fixed '53-24
School Directors authorized to collect additional tax '72-525
MAHONING TOWNSHIP—Polling place fixed '51-149
Orders for relief of poor '69-1042
Erection of poor house '54-654, '70-1190
To have one Director of the Poor '73-743
MAYBERRY TOWNSHIP—Polling place fixed '53-59
POOR DIRECTORS—See Directors of Poor.
POOR HOUSE—Erection of '54-654, '70-1190
Act of April 11, '66, repealed '67-168
VALLEY TOWNSHIP—Erection of poor house '67-900

NORTHAMPTON COUNTY.

Organized from part of Bucks County, March 11, 1752, Ch. 393.

ALLEN TOWNSHIP—Bounty tax authorized '63-392
BANKS TOWNSHIP—Separate election district '42-45
BETHLEHEM TOWNSHIP—Preservation of birds '41-43
Cattle, etc., running at large '64-885
Additional road tax '66-709
Boundaries defined Ch. 3671
Election of Supervisor and Treasurer
Act of February 7, '65, repealed '66-199
Bounty tax authorized '63-392, '66-641
Pay of Supervisors and other officers increased '67-713
Damage to public roads by railroads
Act of April 11, '66, repealed '67-255
BUSHKILL TOWNSHIP—Title of land vested in School Directors '48-496
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CENTREVILLE INDEPENDENT SCHOOL DISTRICT—
Land of Joseph Houck annexed to '67-1276
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EAST ALLEN TOWNSHIP—Bounty tax authorized '63-392
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LEHIGH TOWNSHIP—Bounty tax authorized '63-392, '64-1025, '66-710

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LOWER MT. BETHEL TOWNSHIP—Roads and bridges.
See Upper Mt. Bethel Act of April 3, '46, repealed '47-271
Polling place fixed '59-479
Bounty tax authorized '63-392, '68-811

LOWER NAZARETH TOWNSHIP—
Bounty tax authorized. See Upper Nazareth '63-166, '66-641
Cattle, etc., running at large '67-940, '68-702

LOWER SAUCON TOWNSHIP—Election of Supervisors '32-14
Preservation of birds '41-43
Collection of road tax '61-617
Bounty tax authorized '63-166
Additional road tax authorized '71-844

MOORE TOWNSHIP—Bounty tax authorized '63-392

MT. PLEASANT Sub-School District
Act of April 9, '49, repealed '50-100

ORCHARDS—Protection of '53-387

OVERSEERS OF POOR abolished '37-50

PALMER TOWNSHIP—
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ROAD VIEWERS—Selection of '46-226, '58-464
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SAUCON TOWNSHIP—Bounty tax authorized. See Lower Saucon '64-1025
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STRAYS—Empounding and sale of Ch. 2865

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SURVEYORS—Pay for road work increased '70-1012
TAX COLLECTORS—Appointment of '42-197
TOWN CLERK—Election of Ch. 2865
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To pay road damages '58-464
TRESPASSING on orchards, etc. '53-378
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UPPER MOUNT BETHEL TOWNSHIP—Elections regulated
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UPPER NAZARETH TOWNSHIP—Bounty tax authorized
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Cattle, etc., running at large '68-702
Supervisors may levy tax on county property '71-970
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WILLIAMS TOWNSHIP—Polling place fixed '42-478
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NORTHUMBERLAND COUNTY.

Organized from parts of Lancaster, Cumberland, Berks, Bedford and Northampton Counties, March 27, 1772, Ch. 644.

AUGUSTA TOWNSHIP—Acceptance of school law '38-594
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BRIDGE VIEWERS—Appointment of '49-90, '51-871
CAMERON TOWNSHIP—Polling place fixed '51-41, '53-118
CHILLISQUAQUE TOWNSHIP—Sale of school houses '53-376
A certain ditch authorized '54-803
Polling place fixed '43-53, '61-574
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Northumberland County—*Continued.*

COAL TOWNSHIP—Polling place fixed '51-160
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Erection of lock-up '53-517
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Northumberland County—*Continued.*

ROAD DAMAGES—
Act of March 7, '59, repealed '61-446
Appeal from report of viewers '73-288
ROAD TAXES—Collection of. See Supervisors '44-110
Half to be worked out before September 1st '30-25
ROAD—Views '49-90, '60-604, '61-446
Petitioners or County Commissioners may appeal from '73-288
ROAD VIEWERS—Appointment of '21-871
By whom paid '62-23
RUSH TOWNSHIP—Bounty tax authorized '66-736
SHAMOKIN TOWNSHIP—
Line of Catawissa Township, Columbia County, surveyed '30-341
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On orchards, gardens, etc. '55-234, '61-63
TURBUT TOWNSHIP—Election of Supervisors '40-69
Separate election district '44-76
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VIEWERS—
Road and bridge, appointment of '49-90, '51-871, '60-604, '61-446
When petitioners to pay '62-23
Petitioners or County Commissioners may appeal from awards of '73-288
WASHINGTON TOWNSHIP—Bounty tax authorized '65-283
Sale of certain school property '72-386
ZERBE TOWNSHIP—Repairing roads by contract '61-274, 461
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ONTARIO COUNTY.

Erected from parts of Lycoming and Luzerne Counties, February 21, 1810. Name changed to Bradford. Chap. 3513.

PERRY COUNTY.

Organized from part of Cumberland County, March 22, 1820, Ch. 4853.

BRIDGES, County, not to be built near toll bridges '50-172
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CATTLE trespassing Ch. 5039, repealed '97-235
CENTRE TOWNSHIP—Duty of Supervisors '51-162, '53-397
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COUNTY COMMISSIONERS—
To complete a certain road '44-315, '45-22
To re-let certain bridges '46-289
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COUNTY BRIDGES— '46-289, '50-172, '72-335, '79-170
DAMAGES—Road '55-215, 341, '59-508
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HOWE TOWNSHIP—
County aid for a certain road '65-437, '69-467, '73-843
JACKSON TOWNSHIP—County aid for a certain road '45-22
Polling place fixed '45-48
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JUNIATA TOWNSHIP—Preservation of game '67-404
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MADISON TOWNSHIP—Elections regulated '58-46
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Division of and election of officers '67-216
County appropriation for a mountain road '66-793
Six mills road tax authorized in Sandy Hill District '71-1270
School Directors authorized to sell '71-1283
MILLER TOWNSHIP—Erection of '52-128
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MOUNTAIN ROADS—County to aid in making '64-14, '66-793, '73-843
OLIVER TOWNSHIP—Repairing roads by contract '51-162, '53-397
Roads and Supervisors Act of April 27, '52, repealed '53-451
Settlement of bounty accounts '68-674, '69-489
PAUPERS—Care and employment of '24-205
PENN TOWNSHIP—
Licenses Act of March 27, '66, repealed '67-97, '71-780
Sale of liquor prohibited '67-1283
L. Wister's Island annexed to '68-413
POOR HOUSE—Erection of Ch. 5060, '24-205
Loan authorized '71-186, '72-217

Perry County—*Continued.*

ROAD VIEWS—Expenses of to be paid by applicant '69-918
ROAD VIEWERS—Appointment of '46-363
ROADS AND BRIDGES—
See Supervisors Act of April 13, '43, repealed '68-469
RYE TOWNSHIP—Election of Constable '25-66, '30-77
Additional road tax authorized '71-804
SANDY HILL TOWNSHIP—Road tax '71-1270
SAVILLE TOWNSHIP—Opening of a certain road '31-455
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SPRING TOWNSHIP—Polling place fixed '49-60, '60-240
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Act of April 2, '68, repealed '81-15
STRAYS—See Cattle.
SUPERVISORS—Pay fixed. See Roads '69-933
To give bond '59-317
TOBOYNE TOWNSHIP—School directors authorized to sell land '33-245
Polling place fixed '45-48
Acceptance of school law '38-594
Licenses, to regulate the granting of '50-678
Width of roads fixed '46-363
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County appropriation for a certain mountain road '66-738
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TUSCARORA TOWNSHIP—Settlement of bounty accounts '70-104
TYRONE TOWNSHIP—
Constable not to serve writs beyond township lines '41-70
Henry Valley annexed to '42-50
Separate school district '50-345, '51-161
Taxation of county property '62-277
WATTS TOWNSHIP—Polling place fixed '50-83, '51-470
Repair of a certain road '62-370
WHEATFIELD TOWNSHIP—Polling place fixed '42-46
Roads Act of April 12, '51, repealed '52-210
Bounty tax Act of April 12, '67, repealed '69-576

PHILADELPHIA COUNTY.

One of the original counties organized in 1682.

BLOCKLEY TOWNSHIP—
- Baptist parsonage exempted from taxation '71-1486
- Consolidated with Philadelphia City '54-25
- Crossing, railroads to grade '52-715
- Dog tax, overseers of poor to collect '28-333
- Draft and survey of '37-302
- Grades of streets '60-312
- Lehman street vacated '50-441
- Marion Avenue, opening of '50-401, '51-878, '53-669
- Meeting house lane vacated '54-594
- Overseers to levy poor tax '45-132
  - To collect dog tax '28-333
- Poor tax, levy of '45-132
- Rabbit Lane vacated '54-594
- Railroads to grade crossings '52-715
- Road Commissioners, appointment and duties of '28-430, '32-150, '50-400.
- Road Commissioners to lay out a certain road '53-344
- Roads not to be laid through lands of Guardians of the Poor '50-217
- School Directors, election of '40-80, '45-133
- Streets, laying out and opening of '37-302, '51-303
- Supervisors—Election of '32-150
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BRISTOL TOWNSHIP—Care and employment of poor '23-115, '29-47
- Election of School Directors '40-80
- Dog tax applied to poor fund '29-47
- Consolidated with Philadelphia '54-25

BYBERRY TOWNSHIP—Dog tax to go to poor fund '26-132
- Election of School Directors '40-80
- Removal of paupers '27-436
- Sale of school house '51-212
- Act to unite with Moreland for poor purposes repealed '71-1249
- Consolidated with Philadelphia '54-25

DELAWARE TOWNSHIP—
- Polling place fixed '52-533
- Election of officers '53-38
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GERMANTOWN TOWNSHIP—Collection of poor taxes '73-272
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Election of Managers of the Poor '61-590
KINGSESSING TOWNSHIP—Dog tax '25-226
Election of Constables '29-90
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Directors of the Poor authorized to sell land '32-457
Poor tax a lien on real estate '71-1249
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NORTH PENN TOWNSHIP—Polling place fixed '44-77
Election of Assessors '50-647
Certain streets vacated '50-457
Road tax on cemeteries '50-738
Pay of Supervisors fixed '51-727
OXFORD TOWNSHIP—Dog tax payable to poor fund '24-234
Election of Directors of the Poor Ch. 2852, '27-435
Election of School Directors '40-80
Duties of Justice of the Peace in relation to paupers Ch. 4180
Care and employment of the poor '28-250
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Philadelphia County—*Continued.*

Erection of poor house — Ch. 2852, '69-800
Directors of the Poor authorized to sell land — '32-457
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Poor tax a lien on real estate — '71-1249
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Poor fund, dog tax payable to — Ch. 3695
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Guardians of the Poor may borrow money — '32-57
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Pipes, laying of — Ch. 3654
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Roads, Superintendent of, appointment of '37-354
School Directors, election of '40-80, '53-671
Sidewalks '53-373
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Superintendents of roads, appointment of '37-354
Supervisors, duties of '41-247
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PIKE COUNTY.

Erected March 26, 1814, out of part of Wayne County. Ch. 3923.

BLOOMING GROVE TOWNSHIP—Polling place fixed '51-49
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BUSHKILL INDEPENDENT SCHOOL DISTRICT—Erection of '65-527
DELAWARE TOWNSHIP—Duties of Supervisors '50-385
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DINGMAN TOWNSHIP—Four Supervisors authorized '52-328
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GREENE TOWNSHIP—Polling place fixed '54-107
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LEHMAN TOWNSHIP—Duties of Supervisors '50-385
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MILFORD TOWNSHIP—
Horses, cattle, sheep and swine prohibited from running at large '73-733
Water supply Ch. 4227, '39-658
Act to open a certain road repealed '74-421
PLANK ROADS—Repairs of '58-357
PORTER TOWNSHIP—Opening of roads '52-609
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ROADS—Opening and maintaining. See Plank Roads '46-231, '60-610
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UPPER SMITHFIELD TOWNSHIP—Election of Constable Ch. 4811
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POTTER COUNTY.

Organized from part of Lycoming County, March 26, 1804, Ch. 2466.

ABBOTT TOWNSHIP—Polling place fixed '52-529
Tax duplicates '66-264
ALLEGHENY TOWNSHIP—Polling place fixed '48-366, '57-22
Ten mills additional road tax authorized '58-139
The return of certain unseated lands '70-1207
To prevent domestic animals from running at large '78-99
BINGHAM TOWNSHIP—Ten mills additional tax authorized '59-237
Additional road tax '51-237
To prevent domestic animals from running at large '78-99
BRIDGES—Repairs of '44-136, 200
CATTLE—Prohibited from running at large. See Strays '78-99
CLARA TOWNSHIP—Separate election district '42-44, '47-425
Additional road tax authorized '62-257
CONSTABLES—Election of '32-416
May be appointed tax collector '66-176
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DOG TAX for damages to sheep '65-468
For school purposes '71-651, '73-459
EAST FORK ROAD DISTRICT.—Erection of '69-706
EULALIA TOWNSHIP—Polling place fixed '50-88
Separate road district '69-706
Ten mills road tax authorized '73-692
FRUIT—Protection of '58-111
GENESSEE TOWNSHIP—A separate election district '42-44

Potter County—*Continued.*

Ten mills additional road tax authorized '66-709
Return of unseated land '72-664
To prevent domestic animals running at large '78-99
HARRISON TOWNSHIP—Ten mills road tax authorized '60-296
To prevent domestic animals running at large '78-99
HEBRON TOWNSHIP—Ten mills road tax authorized '60-296
Polling place fixed '45-154, 521
HECTOR TOWNSHIP—Ten mills additional road tax authorized '66-709
HORNER TOWNSHIP—Ten mills additional road tax authorized '61-232
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JACKSON TOWNSHIP—Separate election district '57-616
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JUSTICE OF THE PEACE—County divided into districts Ch. 3868
KEATING TOWNSHIP—Return of unseated lands '70-473
OFFICERS, Public—Accountability of '60-584
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OSWAYO TOWNSHIP—Additional road tax authorized '69-454
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PATHMASTERS—Appointment and duties of '44-200, '73-481
PIKE TOWNSHIP—Polling place fixed '51-49, '52-590
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Overseers may contract for support of the poor '70-701
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PLEASANT VALLEY TOWNSHIP—
Ten mill road tax authorized '67-439
Polling place fixed '48-366
POOR TAXES—Assessment of. See Overseers '69-204
On unseated lands, collection of '47-253, '69-204, '70-259
PORTAGE TOWNSHIP—A separate election district '42-467
Boundaries of, enlarged '71-1002
PUBLIC OFFICERS—Accountability of '60-584
ROAD COMMISSIONERS to act as Overseers of the Poor. See Supervisors.
PATHMASTERS '44-200
Election, powers and duties of '44-200, '46-199, '73-591
ROAD FUNDS—Disbursement of '61-497
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Assessment and collection of '44-200, '46-199, '54-650, '55-240
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ROAD VIEWERS—Duties of '55-240
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ROULETTE TOWNSHIP—Polling place fixed '51-191
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STEWARDSON TOWNSHIP—Separate election district '44-242
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SYLVANIA TOWNSHIP—Ten mills additional road tax authorized '61-232
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SCHUYLKILL COUNTY.

Organized from parts of Berks and Northampton Counties, March 11, 1811. Chap. 3309.

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BUTLER TOWNSHIP—
Election and duties of Supervisors '50-260, '56-35, '59-146, '63-478
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CASS TOWNSHIP—
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EAST BRUNSWICK TOWNSHIP—
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EAST NORWEGIAN TOWNSHIP—Erection of '47-256
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EAST PINE GROVE TOWNSHIP—Bounty tax authorized '65-593
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FRAILEY TOWNSHIP—
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NEW CASTLE TOWNSHIP—Separate election district '43-50
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Division of Delaware Coal Company's school tax '55-251
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Exempt from taxation '49-599
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PORTER TOWNSHIP—
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School loan authorized '71-994
RAHN TOWNSHIP—But one Supervisor authorized '62-7
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REILLY TOWNSHIP—Repairing roads by contract '60-4
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ROAD VIEWERS—To give notice to township officers '67-148
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RUSH TOWNSHIP—Polling place fixed '42-465, '51-40, '53-447
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Lehigh and Mahanoy Railroad required to fence '64-409
Fishing without consent of owners prohibited '69-804
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RYAN TOWNSHIP—Fishing without consent of owners prohibited '69-804
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SCHOOL TREASURERS to give bonds '59-51
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Schuylkill County—*Continued.*

SCHUYLKILL SCHOOL DISTRICT—Act repealed '51-609

SCHUYLKILL TOWNSHIP—Warrants in favor of Supervisors '48-337

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Repairs of roads '60-4, '63-26

Accountability of public officers '63-536

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SOUTH MANHEIM TOWNSHIP—

Accountability of public officers '63-67

STEPHEN SCHOOL DISTRICT '51-600, '70-348

STRAYS Act of April 13, '07, and March 5, '19, repealed '32-12

STRONGSBURG and North Pine Grove School District '40-85

SUMMIT SCHOOL DISTRICT erected '46-365

SUPERVISORS to act as Overseers of the Poor. See Roads '31-427

To appoint Tax Collectors '44-110

Repair of roads by contract '55-437

To give bonds '59-51

Compensation of Act of March 16, '65, repealed '78-35

Pay fixed '48-337, '59-649, '65-382

TAX COLLECTORS—Official bonds of '59-51

Appointment of '44-110

TAX, road, collection of '44-110

TOWNSHIP AUDITORS—Pay fixed '65-382

TOWNSHIP LINES, alteration of, to be recorded '59-460

TOWNSHIP OFFICERS to give official bonds '59-51

TOWNSHIP TREASURERS—Election of '44-110

To give official bonds and collect road taxes '59-51

TOWNSHIPS—See Bridges

TREMONT TOWNSHIP—

Election and duties of Supervisors '51-88, '52-218, '53-777

School loan authorized, and Directors authorized to sell land '54-123

Election of Treasurer '56-224

Pay of Supervisors fixed '59-649

Erection of lock-up '62-202

Polling place fixed '64-888

Roads Act of April 1, '52, repealed '76-208

TRESPASS on orchards, gardens, etc. '61-478

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UNION SCHOOL DISTRICT erected '52-460

Schuylkill County—*Continued.*

UNION TOWNSHIP—Polling place fixed '50-26
Township Treasurer abolished '73-627
Supervisors to collect road taxes '73-627
Auditors authorized to levy a tax '69-885
UNSEATED LAND TAX, return of, nunc pro tunc '71-1297
UPPER MAHANTANGO TOWNSHIP—Polling place fixed '47-428, '61-709
VIEWERS, road and bridge, pay of '60-105
To give notice to township officers '67-148
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WASHINGTON TOWNSHIP—
Repair of roads Act of February 20, '61, repealed '62-166
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WAYNE TOWNSHIP—Accountability of public officers '63-536
Election of officers '68-186
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WEST BRUNSWICK TOWNSHIP—Polling place fixed '54-173, 357
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WEST PENN TOWNSHIP—Polling place fixed '51-558
Part annexed to Tamaqua Borough '60-525
Accountability of public officers '62-44
Bounty tax authorized '65-188
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SNYDER COUNTY.

Organized from part of Union County, March 2, 1855. P. L. 537.

BEAVER TOWNSHIP—Bounty tax authorized '69-797, '70-1285
CENTRE TOWNSHIP—School district enlarged '65-122, repealed '93-40
Bounty tax authorized '68-209
CHAPMAN TOWNSHIP—
To prevent spread of Canada thistles, etc. '72-286
DAMAGES—Road '59-283
DOGS—Stray dogs may be shot '69-1149
DRAINAGE of swampy lands '63-293
EVENDALE INDEPENDENT SCHOOL DISTRICT—
Election of Assessors '72-273
INDEPENDENT SCHOOL DISTRICT erected '70-255

Snyder County—*Continued.*
JACKSON TOWNSHIP—School district enlarged '64-383
Land of R. P. Cornelius annexed to Union County '67-1034
Surplus bounty funds to be paid to schools '68-478
Polling place fixed '60-97, '69-304
LAND—Drainage of '63-293
MIDDLE CREEK TOWNSHIP—Bounty tax authorized '67-1007
MONROE TOWNSHIP—Bounty tax authorized '66-409
Protection of partridges and pheasants '65-432
PENN TOWNSHIP—Bounty tax authorized '66-833
Protection of partridges and pheasants '65-432
PERRY TOWNSHIP—Polling place changed. See West Perry '61-707
ROADS—Assessment of damages '59-283
SWAMPS—Drainage of '63-293
UNION INDEPENDENT SCHOOL DISTRICT erected '61-525
UNION TOWNSHIP—Supervisors to erect a certain bridge '72-108
To prevent the spread of Canada thistles, etc. '72-286
VIEWERS of drains, duties of '63-293
WASHINGTON TOWNSHIP—Bounty tax '65-354, '69-696
To prevent spread of Canada thistles '72-286
WEST PERRY TOWNSHIP—Independent school district erected '70-255
WET LANDS—Drainage of '63-293

SOMERSET COUNTY.

Organized from part of Bedford County, April 17, 1795. Ch. 1840.

ADDISON TOWNSHIP—Dog tax '53-206
Three Supervisors authorized '73-338
Surplus bounty fund appropriated to schools '66-552
ALLEGHENY TOWNSHIP—Additional Supervisor '72-729
APPEALS from assessments '62-301, '71-665
ASSESSORS' pay fixed at $1.50 per day '69-119
BRIDGE VIEWERS '59-134
BRIDGES—Building and maintenance of '42-462
BROTHER'S VALLEY TOWNSHIP—Election of Supervisors '41-68
CONSTABLES—Election of '27-24
Eligibility to re-election '39-98
DIRECTORS OF THE POOR—Election and duties of '45-466, '49-45
Pay of '68-228
DRAINAGE of lands and mines '68-438

Somerset County—*Continued.*

ELECTIONS Act of May 6, '54, repealed '58-316
Regulated '60-171
FRUIT—Protection of '53-387
JEFFERSON TOWNSHIP—Erection of new township '60-110
Fishing and hunting regulated '67-689
JENNER TOWNSHIP—Polling place fixed '58-316, '59-122
Number of Supervisors '59-642, '71-802
LAND—Drainage of '68-438
LARIMER TOWNSHIP—Polling place fixed '54-16
MIDDLE CREEK TOWNSHIP—Polling place fixed '53-59
MILFORD TOWNSHIP—Polling place fixed '44-577
Election of Supervisors '52-115
Sale of school house '54-579
Erection of new township '60-110
NEW CENTREVILLE SCHOOL DISTRICT enlarged '66-634
NEW TOWNSHIP—Erection of '60-110
NORTHAMPTON TOWNSHIP—Polling place fixed '52-201, '53-59
ORCHARDS—Protection of '53-387
PAINT RIDGE Independent School District erected '69-1399
PAINT TOWNSHIP—Additional Supervisor authorized '69-298
PAUPERS—Care of '45-468, 469, '49-45
May be committed by one Justice of the Peace '50-122
POOR HOUSE—Erection of '45-465, '46-5, '49-45
QUEMAHONING TOWNSHIP—Polling place fixed '42-323
ROAD AND BRIDGE VIEWERS—One to be a Surveyor '59-134
ROADS—Opening and maintaining of '35-101, '42-462
SHADE TOWNSHIP—Polling place fixed '42-322, '44-574
SOMERSET TOWNSHIP—Additional Supervisor authorized '51-51
Erection of new township '60-110
STATE ROAD—Location changed '36-715
SUMMIT TOWNSHIP—Polling place fixed '42-50
SUPERVISORS—Pay fixed at $1.50 per day '69-119
SURVEYORS—Appointment of as road and bridge viewers '59-134
TRESPASS on orchards, etc. '53-387
UPPER TURKEY FOOT TOWNSHIP—Polling place fixed '53-59
VIEWERS—Road and bridge, one to be a surveyor '59-134
WET LANDS—Drainage of '68-438

SULLIVAN COUNTY.

Organized from part of Lycoming County, March 15, 1847. P. L. 462.

CHERRY TOWNSHIP—Polling place fixed '52-410
Bradford County road laws extended to '66-637
Road Commissioners, powers and duties of '67-170, '89-138
Taxes on unseated lands '67-960
To prevent domestic animals from running at large '71-1119
COLLEY TOWNSHIP—Polling place fixed '50-111
Unseated school tax for the support of the poor '68-937
Accounts to be settled on first Monday in April '73-663
DAVIDSON TOWNSHIP—Boundaries extended '62-253
Elections regulated '63-472
Poor tax on unseated lands '73-240
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ELKLAND TOWNSHIP—Deer hunting '50-1056
Bradford County road law extended to '66-637
Road Commissioners, powers and duties of '67-170, '89-138
Poor tax on unseated lands '73-240
FORKS TOWNSHIP—Deer hunting '50-1056
Polling place fixed '60-44
Bradford County road laws extended to '66-637
Road Commissioners, powers and duties of '67-170, '89-138
To prevent cattle, etc., from running at large '70-564
Poor taxes on unseated lands '73-240
FOX TOWNSHIP—Bradford County road laws extended to '66-637
Road Commissioners, powers and duties of '67-170, '89-138
Polling place fixed '69-131
Poor tax on unseated lands '70-707
HILLSGROVE TOWNSHIP—Accounts of Overseers legalized '66-188
Name of Plunkett's Creek Township changed to '56-346
Bradford County road laws extended to '66-637
Road Commissioners, powers and duties of '67-170, '89-138
Time for Auditors to meet '67-230
Taxes on unseated lands '68-704
Thirty mill road tax authorized '69-1167
Poor taxes on unseated lands '73-240
LAPORTE TOWNSHIP—Polling place fixed '51-425
Elections regulated '63-244

Sullivan County—*Continued.*

NORTH MOUNTAIN Independent School District erected '64-619
Unseated land tax '69-1197
PATHMASTERS' ACCOUNTS, settlement of '69-1170
PLUNKETT CREEK TOWNSHIP—Polling place fixed '47-428, '54-247, 348
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ROADS—Opening of Act of February 14, '67, repealed '89-138
SHREWSBURY TOWNSHIP—Polling place fixed '47-428
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TOWNSHIP ACCOUNTS—Settlement of '69-1170
TOWNSHIP TREASURER to receive road tax '52-411
UNSEATED LANDS Act of April 19, '54, repealed '55-263
Return and sale of '67-124, '70-282

SUSQUEHANNA COUNTY.

Organized from part of Luzerne County, February 21, 1810. Ch. 3337.

APALACHIAN TOWNSHIP—Lenox road law extended to '49-646
Election of School Directors '72-91
Road laws amended '72-1079, repealed '95-242
APOLOROUS TOWNSHIP—Election of School Directors '71-1351
ARARAT TOWNSHIP—Polling place fixed '52-46
ASSESSORS need not attend elections '44-220
Pay fixed at $2.00 per day '70-285
AUBURN TOWNSHIP—
Roads and Supervisors Act of March 4, '50, repealed '89-177
Lenox law extended to '50-122, '61-386
Protection of pickerel '66-336
Bounty tax authorized '65-287, '66-521
Erection of '70-393
Loan authorized for poor house '71-1089
BRAINTRIM INDEPENDENT SCHOOL DISTRICT erected '69-233
BRIDGES Extending the Act of April 13, '43, '99-47
BRIDGE VIEWERS—Pay fixed '69-835
Appointment of '46-261
BRIDGEWATER TOWNSHIP—Election of Constable Ch. 4811
Lenox Road Law extended to '49-646
Polling place fixed '54-356
Erection of poor house Act of April 4, '64, repealed '91-113

Susquehanna County—*Continued.*

BROOKLYN TOWNSHIP—Lenox road law repealed '58-43
Protection of pickerel '66-336
Bounty tax authorized '67-836
Maintenance of roads and bridges '71-917
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CATTLE running at large to be treated as strays. See Fences '63-501

CHOCONUT TOWNSHIP—Election of Constable '34-131
Pathmasters '46-137, '47-200, '51-88
Polling place fixed '52-410
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CLIFFORD TOWNSHIP—Polling place fixed '56-19
Lenox road law '48-249, '66-214
Bounty tax authorized '66-791
Repairs of roads Act of April 9, '69, repealed '89-83

CONSTABLES—Election of '27-24
Eligibility to re-election '30-117

DIMOCK TOWNSHIP—Lenox Road Law repealed '57-139
Fishing prohibited in Lathrop's Lake '64-132, '69-1106, '70-421
Lenox Road Law extended to '71-973

DIRECTORS OF THE POOR—Election and duties of '59-58

DOG TAX '62-322, '65-128, 330, '72-68

ELECTIONS—Time of holding. See Assessors—Constables '39-598

FENCES to woodland used as pasture '71-1231

FOREST LAKE TOWNSHIP—Election of Overseers '44-18
Cattle, etc., prohibited from running at large '67-997, '68-627

FRANKLIN TOWNSHIP—School Trustees authorized to sell land '42-376
Polling place fixed '42-50, 329, '50-10, '51-40
Roads Act of February 14, '63, repealed '66-466
Election of School Directors '71-1351

GIBSON TOWNSHIP—Lenox Road Law repealed '55-43
Polling place fixed '58-184
Bounty tax authorized '65-576

GREAT BEND TOWNSHIP—Polling place fixed '54-151
Election of Supervisors and Overseers '38-596
Pay and duties of pathmaster '59-130
Bounty tax authorized '65-354
Lenox Road Law repealed '91-171

Susquehanna County—*Continued.*

HARFORD TOWNSHIP—Lenox Road Law repealed '64-176
Election of Overseers of the Poor '64-486
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Repairing roads Act of April 3, '72, repealed '73-772
HARMONY TOWNSHIP—Time of holding elections '31-34
HERRICK TOWNSHIP—Settlement of bounty accounts '69-1040
Lenox Road Law Act of March 25, '48, repealed '83-166
JACKSON TOWNSHIP—Polling place fixed '43-49
Bounty tax, exemptions '66-717
JESSUP TOWNSHIP—Bounty tax authorized '65-132
Lenox Road Law repealed '70-425
JUSTICE OF THE PEACE—County divided into districts Ch. 3868
LATHROP TOWNSHIP—Polling place fixed '51-424
Pickerel, protection of '66-698
Maintenance of roads and bridges '71-917
LENOX TOWNSHIP—Polling place fixed '42-264
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Opening and repairing of roads '54-91, '63-38
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LIBERTY TOWNSHIP—Lenox Road Law repealed '61-368
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MIDDLETOWN TOWNSHIP—
Election of Supervisors and Overseers '42-213, '67-754, See '01-63
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OAKLAND TOWNSHIP—Bounty tax authorized '65-305, '66-645
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ROAD VIEWERS—Pay fixed '69-835
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ROADS—See Supervisors—Surveyors Act of April 8, '51, repealed '85-168
RUSH TOWNSHIP—Lenox Road Law extended to '48-249, '61-336
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SILVER LAKE TOWNSHIP divided into sub road districts '52-238
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SPRINGVILLE TOWNSHIP—School district diminished '68-265
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Rams, disposition of '24-126
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SURVEYORS OF ROADS, pay fixed '69-835
SWINE running at large treated as strays. See Fences '65-501
THOMSON TOWNSHIP—Lenox Road Law repealed '69-805
TOWNSHIP AUDITORS—Election and duties of '30-40
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TIOGA COUNTY.

Organized from part of Lycoming County, March 26, 1804. Ch. 2466.

ABATEMENT ON TAXES '59-226
ASSESSMENTS—Appeals from. See Taxes Ch. 5143, '47-93
ASSESSORS not required to attend elections '44-220
Pay fixed at $1.50 per day '65-622
BLOSS TOWNSHIP a separate election district '42-44
Election of township officers '43-372
Sale of liquor regulated '54-512
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BROOKFIELD TOWNSHIP—Polling place fixed '42-333
CHARLESTON TOWNSHIP—Sale of liquor regulated '54-512
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CHATHAM TOWNSHIP—Bounty tax authorized '65-558
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COVINGTON TOWNSHIP—Bounty tax authorized '65-280
DAMAGES—Road '46-202
DEERFIELD TOWNSHIP—Polling place fixed '51-425, '54-49
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DIRECTORS OF THE POOR—Elections, duties and powers of '50-753
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Time of holding '40-44, '53-529, '65-66
ELK TOWNSHIP—Levy and collection of taxes '56-493
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Tioga County—*Continued.*

JACKSON TOWNSHIP—Polling place fixed '44-577, '52-179
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MIDDLETOWN TOWNSHIP—Polling place fixed '51-148
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MORRIS TOWNSHIP—Polling place fixed '52-123
Hunting deer with dogs prohibited '59-346
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NELSON TOWNSHIP—Polling place fixed '57-7
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OSCEOLA TOWNSHIP—Polling place fixed '57-7
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RICHMOND TOWNSHIP—Election of Supervisors '42-199
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Tioga County—*Continued.*

ROAD VIEWERS, Surveyors, pay of '52-341

Duties of '45-199, '46-202, '55-240

ROADS—Opening and repairs of.

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Private, court may open '46-417. Act of April 2, '60, repealed '61-5

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Wages for labor on '65-622

RUTLAND TOWNSHIP—Bounty tax authorized '65-197, '66-480

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SHEEP—To improve the breed of Ch. 4138

SHIPPEN TOWNSHIP—Polling place fixed '52-233

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SULLIVAN TOWNSHIP—Bounty tax authorized '65-280, '66-480

SUPERVISORS authorized to levy ten mills tax Ch. 4873, '55-240

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May appoint tax collectors '64-180

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TAX COLLECTORS—Appointment of '64-180

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See Assessments—Poor Taxes—Road Taxes '47-93

On unseated lands, collection of '47-253

Township—Assessment of '46-199, '52-622, '64-180

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TIOGA TOWNSHIP—Election of Supervisors '42-199

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TOWNSHIP AUDITORS—Pay, election and duties of '30-190

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WARD TOWNSHIP—Polling place fixed '52-320
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UNION COUNTY.

Organized from part of Northumberland County, March 22, 1813. Ch. 3708.

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CENTREVILLE TOWNSHIP—Polling place fixed '54-272
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EAST BUFFALO TOWNSHIP—
School Directors authorized to sell land '41-80
FRANKLIN TOWNSHIP—Polling place fixed '54-107
FRUIT—Protection of '53-387, '61-478
GARDENS—Protection of '53-387, '61-478
GREGG TOWNSHIP—Name changed to Brady Township '61-335, '65-518
Pay of township officers fixed '67-864, '68-580, '71-1094, see '95-296
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HARTLEY TOWNSHIP—Separate school districts '39-604, '40-344
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JACKSON TOWNSHIP—Polling place fixed '54-169
Annexed to Union and Limestone Townships '58-66
JUSTICE OF THE PEACE—County divided into districts Ch. 3863
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Union County—*Continued.*
KELLY TOWNSHIP—Additional school tax authorized '67-1167
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LEWIS TOWNSHIP—Road Views '62-195
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MIDDLE CREEK TOWNSHIP—Polling place fixed '44-15
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TRESPASS on orchards, gardens, etc. '53-387, '61-473
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UNION SCHOOL DISTRICT erected '61-525
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VIEWERS of road, duties of '58-114
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WEST BEAVER TOWNSHIP—Polling place fixed '44-79, '53-182
WEST BUFFALO TOWNSHIP—Road petitions '62-195
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WHITE DEER TOWNSHIP—Election of Supervisors validated '49-507
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VENANGO COUNTY.

Organized from parts of Allegheny and Lycoming Counties, March 12, 1800. Ch. 2119.

ALLEGHENY TOWNSHIP—Polling place fixed '63-489
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To furnish copy to Road Commissioners '44-232
BREEDTOWN SCHOOL DISTRICT enlarged '71-1185
BRIDGES—See Road Act of April 9, '44, construed '45-80
Act of April 9, '70, repealed and former acts revived '71-423
CANAL TOWNSHIP—Polling place fixed '51-156
Cattle, etc., running at large Act of April 10, '69, repealed '70-338
CATTLE—Treated as strays Ch. 4680, '59-79
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CHERRYTREE TOWNSHIP—School district enlarged '67-1205, '70-947
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CLINTON TOWNSHIP—Unseated lands, sale of, for poor taxes '69-1036
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CORNPLANTER TOWNSHIP—Polling places '34-480, '63-489
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John Rynd, et al. authorized to erect bridge over Oil Creek '70-1407
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CRANBERRY TOWNSHIP—Polling place fixed '36-438
Election of Supervisors '42-304
DAMAGES, Road Act of April 9, '54, construed '58-405
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FARMINGTON TOWNSHIP—Polling place fixed '29-339
FRUIT—Protection of '55-55
IRWIN TOWNSHIP—Polling place fixed '48-368, '57-24
JUSTICE OF THE PEACE—Road damages, trial of '44-232, '58-405
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OAKLAND TOWNSHIP—Polling place fixed '42-44
OIL CREEK ROAD—Repairs of '43-262
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ORCHARDS—Protection of '55-55

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OVERSEERS OF THE POOR—See Road Commissioners.

PAINT TOWNSHIP—Polling place fixed '36-439

PAUPERS—Care and employment of '70-1147

PINE GROVE SCHOOL DISTRICT erected '42-450

PINE GROVE TOWNSHIP—Polling place fixed '34-476, '57-377

PLUM TOWNSHIP—School district diminished '67-1205

To prevent cattle, etc., from running at large '69-550, 832

Twenty mills road tax authorized '69-1043

POOR HOUSE—Erection of '70-1147

Appointment of steward '70-1147

POOR TAXES—Sale of land for '70-767, '72-298

PRESIDENT TOWNSHIP—Erection of '50-341

REGISTRATION OF DOGS '68-440

ROAD DAMAGES '44-232, '58-405

ROAD COMMISSIONERS to act as Overseers of the Poor '44-233

Pay fixed by Auditors '44-232, '73-746

To place delinquent taxes in hands of Constable '44-231

Election and duties of '44-230

To have copy of assessments '44-232

To return unseated lands '46-204

Ten mill tax authorized '46-204

Acts previous to April 9, '70 revived '71-423

Authorized to pay bounties to volunteers '64-983

ROAD MASTERS to settle in November '44-232

Election and duties of '44-231

ROAD TAXES—Labor—Collection of '30-25

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ROAD VIEWERS—Court to appoint—One a surveyor '31-476, '60-25

Pay fixed at $3.00 per day '73-746

ROADS AND BRIDGES—Damages tried by Justice of the Peace '44-231

Act of April 9, '54, construed '58-405

Laying out '59-239

Laying out Act of April 9, '70, repealed and former acts revived '71-423

ROCKLAND TOWNSHIP—Polling place fixed '54-151

Ferry at McMillen Farm '70-193

Road Masters, appointment of '72-666

SANDY CREEK TOWNSHIP—Sale of land for poor taxes '70-199

SCHOOL DIRECTORS—Damages for erecting school houses '52-715

May pay bounties to volunteers '64-983

Venango County—*Continued.*

SCRUBGRASS TOWNSHIP—Polling place fixed '57-24
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SEATED LANDS—Sale of for taxes '68-1158
SHEEP—To improve the breed of Ch. 3867
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SUGAR CREEK TOWNSHIP—Polling place fixed '48-60, '50-29
Ferry established '71-1026
SUPERVISORS to collect half of road tax by September '30-25
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SWINE—Damages to, by railroads '69-1125
TAXES, labor road, half to be worked out before September.
See Assessments '30-25, '49-102
Expenses of collection '44-231, '51-317, '68-1158, '71-750, '73-174 '85-204.
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On what property to be levied '72-298
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TAX COLLECTORS—Appointment of '51-317
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TOWN CLERKS—Court may appoint to fill vacancies Ch. 4680
TOWNSHIP AUDITORS—Appeal from '30-25
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Election and duties of '30-25, '31-476, '71-1306
TOWNSHIPS to keep State roads in repair Ch. 5227
Debts adjusted on division of township '31-476
May pay bounties to volunteers '64-983
TRESPASS on orchards, etc. '55-55
UNSEATED LANDS—Appeal from assessment of '31-273
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WARREN COUNTY.

Organized from part of Allegheny County, March 12, 1800. Ch. 2119.

APPEALS from assessments '31-278
From township auditors '30-41
ASSESSORS to make copy for Road Commissioners '44-232
Pay fixed at $1.50 per day '66-141
To keep a copy of assessment '68-561
BRIDGES over Allegheny River to be lighted. See Roads '60-378
BROKENSTRAW TOWNSHIP—Polling place fixed '48-367, '50-28
To prevent cattle, etc., from running at large '71-600
To prevent spread of white daisies '72-858
Irvine Bridge Act of February 24, '47, repealed '79-167
BULLS AND BUCKS running at large declared strays '55-316
CATTLE—Strays, empounding of Ch. 4680, '55-316
Damage to, by railroad '69-1125
CATTLE GUARDS to be constructed by railroad company '68-514
CHERRY GROVE TOWNSHIP—Polling place fixed '48-336
Location of a certain road changed '49-369
COLUMBUS TOWNSHIP—School taxes on sub-districts '51-140, 563
Polling place fixed '54-194
Bounty tax legalized '66-479
Additional road tax authorized '67-638
To prevent cattle, etc., from running at large '70-433
CONEWANGO TOWNSHIP—Polling place fixed '34-480
To prevent cattle, etc., from running at large '71-598
CONSTABLES, to give official bond Ch. 3563
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CORYDON TOWNSHIP—Acts of certain officers legalized '46-484
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DAISIES—To prevent the spread of '72-858
DAMAGES, Road, trial of '44-232
DEERFIELD TOWNSHIP—Polling place fixed '34-354
School tax in sub-districts '51-568
Erection of '61-636
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Warren County—*Continued.*

DOG TAX '64-154, '69-1125, '70-293
Appropriated to school purposes Act of March 1, 70, repealed '91-110
DRAINAGE of swamp lands '71-987
ELDRED TOWNSHIP—Polling place fixed '53-427
Levy and collection of road tax '66-663
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Time of holding '69-296, '72-656
ELK TOWNSHIP—Polling place fixed '31-487
Twenty mills road tax authorized '46-204
Bounty tax authorized '64-1025
Levy of road tax '52-206
FARMINGTON TOWNSHIP—Polling place fixed '54-47
Bounty tax authorized '66-47
To prevent cattle, etc., from running at large '68-443, '70-433
School and town house, erection of '71-597
FENCES—Railroad companies required to maintain '68-514, '69-1125
FREEHOLD TOWNSHIP—Polling place fixed '34-476
Levy of school taxes '54-172
Cattle, etc., prohibited running at large '68-443, '69-550
Bounty tax authorized '66-691
Additional tax—soldiers exempted '67-385
FRUIT—Protection of '55-55
GARDENS—Protection of '55-55
GLADE TOWNSHIP—Ferry over Allegheny River '59-260, '70-1376
To prevent cattle, etc., from running at large '73-460
Construction of sidewalks '73-584
JUSTICE OF THE PEACE—Acts confirmed Ch. 3113
GREENE TOWNSHIP—Erection of—Polling place fixed '44-14
County to be districted Ch. 3868
Duties of in relation to strays Ch. 4680
Jurisdiction of road damages '44-232
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In case jury disagrees '69-362
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KINZUA TOWNSHIP—Twenty mills road tax authorized '48-337
Polling place fixed '53-386
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Drainage of swamps '69-401

Warren County—*Continued.*
LAND—Drainage of '71-987
LIMESTONE TOWNSHIP—Polling place fixed '36-438
Road tax authorized '68-996
MEAD TOWNSHIP—Polling place fixed '48-5
Location of State road changed '49-396
Twenty mills road tax authorized '48-337
ORCHARDS—Protection of '55-55
OVERSEERS OF THE POOR—
Road Commissioners to act as '44-233, '68-535
PINE GROVE TOWNSHIP—School tax on sub-districts '51-140, 568
Additional Justice of the Peace to be elected '44-16
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PITTSFIELD TOWNSHIP—Polling place fixed '48-5
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To prevent cattle from running at large '73-185
PLEASANT TOWNSHIP—
Road tax Act of January 22, '50, repealed '62-316
Hunting deer with dogs prohibited '66-564, '68-1058
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POOR HOUSE—Erection of '64-438
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ROAD COMMISSIONERS—Election and duties of.
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Assessors to furnish copy of assessment to '44-232
Pay fixed by Auditors '44-232
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Ten mill tax authorized—To return unseated lands '44-232, '46-204
ROAD DAMAGES to be tried by two Justices of the Peace '44-232
ROAD MASTERS to settle in November '44-232
Election and duties of '44-231
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ROAD TAX—Constable to collect delinquent. See Supervisors '44-231
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ROAD VIEWERS—Appointment and pay of '31-476
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Warren County—*Continued.*
ROADS AND BRIDGES—
Act of April 9, '44, defined '45-80, repealed '97-105
Opening or vacating to be reported to Court '48-163
SCHOOL DIRECTORS to condemn land for school houses '62-48
Levy of tax '51-561
To levy a tax on dogs '70-294, '91-110
SHEEP—Protection of '64-154
Damages to, how paid '64-154, '69-1125, '70-293
SHEFFIELD TOWNSHIP—Polling place fixed '42-322
Fifteen mills additional road tax authorized '60-164
Bounty tax authorized '67-450
SOUTH WEST TOWNSHIP—Polling place fixed '50-113
Erection of town house '50-546, 702
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SPRING CREEK TOWNSHIP—Additional road tax '69-122
Loan authorized '73-771
To prevent cattle, etc., from running at large '70-580
STALLIONS running at large declared strays '55-316
STRAYS—To regulate the taking of Ch. 4680
Stallions, bulls, bucks, rams and swine running at large '55-316
SUGAR GROVE TOWNSHIP—Polling place fixed '48-211
School tax on sub-districts '51-140, 568
Election of Tax Collector '66-631
Road Tax Act of February 17, '65, repealed '67-447
To prevent cattle, etc., from running at large '69-550
Town house Act of March 25, '73 repealed '70-295
SUPERVISORS to collect one-half of tax before September '30-41
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SWAMPS—Drainage of '71-987
SWINE running at large declared strays '55-316
Damages to, by railroads '69-1125
TAX ON DOGS—
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Sale of land for authorized '67-214, '70-282, see '95-232
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WASHINGTON COUNTY.

Organized from part of Westmoreland County, March 28, 1781, Ch. 920.

ALLEN TOWNSHIP—Polling place fixed '53-8, '57-4
AMWELL TOWNSHIP—Six Supervisors authorized '65-481
Uwchlan Township road law extended to '69-704
APPEALS from assessments '45-133, '61-562
ASSESSORS—Pay fixed at $2.00 per day '66-220
BRIDGES—Erection and maintenance of.
See Road and Bridge Viewers '50-616, '59-309
BUFFALO TOWNSHIP—Repair of bridges '63-292
Roads Act of February 18, '70, repealed, '78-31
CANADA THISTLES—To prevent the spread of '61-421
CANOE TOWNSHIP—Polling place fixed '49-481
CANTON TOWNSHIP—
Justices of the Peace may reside in Washington Borough '70-294
Election of Supervisors '61-56
Uwchlan Township road law extended to '72-665
Credit to tax payers for macadamizing Washington and West Middleton road '62-30
CARROLL TOWNSHIP—
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Separate election district '44-78
Supervisors to give bonds '47-258
Polling place fixed '42-53, 452, '49-558
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Auditor's report, publication of '69-1069
Sale of liquors prohibited '72-299, repealed '03-334, Donora Borough excepted '01-149
Roads Act of March 24, '71, repealed '76-190
CECIL TOWNSHIP—Separate election district '44-79
School district enlarged '63-284
Hunters must have consent of land owners '72-686
Roads Act of March 14, '67, repealed '76-191
CHARTIERS TOWNSHIP—School district enlarged '63-253
Diminished '58-117
CROSS CREEK TOWNSHIP—Election of Supervisors '59-201
School district enlarged '67-207
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DELINQUENT TAXES—Penalties on '57-163
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DONEGAL TOWNSHIP—Election of Constable '23-70
EAST BETHLEHEM TOWNSHIP—Polling place fixed '42-265
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Roads. Acts of February 19, '70, and March 24, '71, and March 16, '72, repealed '78-31.
EAST FINLEY—Cash road tax '29-321
EAST PIKE RUN TOWNSHIP—Election of Constable '38-604
Bounty tax authorized '65-243
Uwchlan Township road law extended to '65-336, '68-558
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ELECTION regulated '61-474, '67-879
FALLOWFIELD TOWNSHIP—Additional tax authorized '42-126
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Bounty tax authorized '68-1026
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HOPEWELL TOWNSHIP—Polling place fixed '52-54
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JEFFERSON TOWNSHIP—Polling place fixed '54-152
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MONONGAHELA TOWNSHIP—Polling place fixed '52-334
MORRIS TOWNSHIP—Polling place fixed '51-830
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MOUNT PLEASANT TOWNSHIP—
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MURDOCKVILLE Independent School District '68-282
NORTH STRABANE TOWNSHIP—Polling place fixed '50-331
Repair of roads '66-643
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Location of school house '52-706
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PETERS TOWNSHIP—
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SHEEP—To improve the breed of. See Dog Tax Ch. 3779

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SOUTH STRABANE TOWNSHIP—Four Supervisors authorized '67-434

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SWINE running at large Ch. 2981, '36-308

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Uwchlan Township road law extended to '67-340

WAYNE COUNTY.

Organized from part of Northampton County, March 21, 1798, Ch. 1975.

ASSESSMENTS of unseated lands, appeals from '32-153, '72-65
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CANAAN TOWNSHIP—Election of Supervisors and Overseers.
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CHERRY RIDGE TOWNSHIP—Polling place fixed '45-49
Election of Supervisors and Overseers '69-392
CLINTON TOWNSHIP—Separate school district '41-169
Land annexed to Canaan Township '47-450
Part of Lenox road law extended to '51-445
Polling place fixed '54-47
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DIRECTORS OF THE POOR—Election, powers and duties of '50-564
DOGS—Tax on '52-384, '79-168
Hunting deer with, prohibited '61-643
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DYBERRY TOWNSHIP—Polling place fixed '51-294, '52-39
Bounty tax authorized '65-696
School district diminished '67-1278
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INDEPENDENT SCHOOL DISTRICT—
Courts to regulate elections in '57-275
MANCHESTER TOWNSHIP—Polling place fixed '52-37
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MOUNT PLEASANT TOWNSHIP—Supervisors and Overseers '45-152
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Two Supervisors authorized '51-445, '57-369
MOUNT REPUBLIC Independent School District erected '52-704
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OREGON TOWNSHIP—Polling place fixed '48-56
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PRESTON TOWNSHIP—
Election of Supervisors and Overseers of Poor '51-42
Polling place fixed '54-172
Lenox Road Law extended to '57-255
Overseers of the Poor, all special acts repealed '58-186
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ROADS—Construction and repairs of. See Plank Roads '46-231
SALEM TOWNSHIP—Two Supervisors authorized '50-413
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Fifteen mills road tax authorized '66-561
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SCOTT TOWNSHIP—Polling place fixed '47-423
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SHEEP—Protection of Act of April 10, '73, repealed '79-168
Dog tax to pay damages to '52-384
SOUTH CANAAN TOWNSHIP—Polling place fixed '53-10
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SOUTHWEST TOWNSHIP—Polling place fixed '50-87
STARLING TOWNSHIP—Supervisors and Overseers '52-134
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STRAYS—Empounding and sale of Ch. 2365
SUPERVISORS—Election of '35-46, '44-33
TAXES—See Assessments—Road Tax—Delinquent.
TEXAS TOWNSHIP—Time for electing officers '38-612
Polling place fixed '61-585
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Erection of Poor House '62-80, '63-225
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UNSEATED LANDS—Appeals from assessments of '32-153, '72-65
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WESTMORELAND COUNTY.

Organized from part of Bedford County, February 23, 1773. Ch. 678.

ALLEGHENY TOWNSHIP—Supervisors to give bond '52-256
Polling place fixed '53-114
Bounty tax legalized '68-769
Liquor licenses prohibited '67-1288
APPEALS from assessment of coal lands '68-1066, '69-815
ASSESSORS' pay fixed at $2.00 per day '65-635
ASSESSMENTS on coal property '68-1066, '69-815
BELL TOWNSHIP—Polling place fixed '54-16
Collection of road taxes in cash '58-261
Bounty tax authorized '65-711
BRIDGES—Erection and maintenance of '50-616
Appointment and duties of viewers '53-482
Townships to repair bridges '53-483
To be repaired by county '72-1011
BURRELL TOWNSHIP—Polling place fixed '53-114
CONSTABLES—Election of '27-24, '40-70
COOK TOWNSHIP—Polling place fixed '54-152
Hunting deer with dogs prohibited '58-131
Bounty tax authorized '69-416
Special bridge tax '67-881
DAMAGES—Road '44-137
DERRY TOWNSHIP—Election of Constable '29-74
Separate school district '39-604, '50-185
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Road authorized on Commonwealth land '55-357
Four Supervisors authorized '61-68
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Sale of liquors regulated '67-591
Bounty tax authorized '69-1046
DIRECTORS OF THE POOR—Election and duties of '39-2, '49-353, '52-275
Act of April 5, '49, repealed '85-72
DOG TAX '67-691, '68-403, '73-655, '78-67
Appropriated to schools '73-655, '78-67
DONEGAL TOWNSHIP—Polling place fixed '52-618, '54-152
Boundaries of school district '53-182
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DRAINAGE of lands and mines '68-438

EAST BRUNSWICK TOWNSHIP elections '38-623

EAST HUNTINGTON TOWNSHIP—Suits for taxes '31-97
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Part of Hempfield Township attached '45-153
Polling place fixed '52-37, 652
Four Supervisors authorized '58-79
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ELECTIONS—Time of holding '39-591, 598

FAIRFIELD TOWNSHIP—Hunting deer with dogs prohibited '58-131
Four Supervisors authorized '61-68
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FOUR MILE RUN SCHOOL DISTRICT erected '52-703

FRANKLIN TOWNSHIP—
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FRUIT—Protection of '55-55, 234

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HARMONY School District erected '41-168, '48-188

HEMPFIELD TOWNSHIP—Part attached to East Huntingdon '45-153
Election of Supervisors '46-87
Elections regulated '51-869
Additional Supervisors authorized '53-114, '62-142
Land of William Steele annexed for school purposes '66-666, '67-199
Supervisor districts defined '70-816

HUNTINGDON TOWNSHIP—See East Huntingdon—South Huntingdon.

JONES MILL SCHOOL DISTRICT erected '51-599

JUSTICE OF THE PEACE—Election of additional '43-104

LABOR ROAD TAX—Two-thirds to be worked before September 1st, '32-419

LAGRANGE Independent School District—Erection of '66-669

LAND, wet, drainage of '68-438

LIGONIER TOWNSHIP—Polling place fixed '54-194
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Four Supervisors authorized '62-286

LOYALHANNA TOWNSHIP—Separate school district '39-604
Cash road tax '56-360
Relief of Supervisors '69-402

MARS HILL SCHOOL DISTRICT—Erection of '50-261

MISSISSINNEWA TOWNSHIP—Erection of '47-423, rep. '50-99

Westmoreland County—*Continued.*

NORTH HUNTINGDON TOWNSHIP—Polling place fixed '43-50
Collection of subscriptions to bounty fund '65-286
Per capita tax authorized '69-861
Annuity on certain real estate released '72-518
ORCHARDS—Protection of '55-55, 234
OVERSEERS OF THE POOR abolished '39-7
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PAUPERS—Care and employment of '39-2, '49-353, '52-275, '68-1040
PENN TOWNSHIP—Polling place fixed '55-72
Boundaries extended '58-316, '61-191
Bounty tax authorized '65-712
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PLEASANT GROVE SCHOOL DISTRICT—Erection of '50-137
Certain land excluded from '51-132
POLLING PLACES—Compensation for use of '57-107
POOR Act of April 5, '49, repealed '85-72
POOR HOUSE—
Erection and management of '39-2, '40-37, '49-353, '50-98, '52-275. Act April 13, '68, repealed '70-1108.
Management of, under general law '85-72
ROAD DAMAGES '44-137
ROAD TAX, Labor, two-thirds to be worked before September 1st '32-419
ROAD VIEWERS—Appointment of '44-137, '53-482, '54-553
ROADS not opened or used to be void '40-142
Opening and maintenance of '44-105, '50-616
ROSTRAVER TOWNSHIP—Four Supervisors authorized '63-184
New school district '66-669
Presbyterian Church exempted from taxation '70-1434
To prevent cattle, etc., from running at large '73-565
Roads Acts of April 15, '67, and April 8, '69, repealed '83-21
SALEM TOWNSHIP—Separate school district '39-604, '49-529
Election of Supervisors '59-138, '70-1268, see June 3, '93-288
School district enlarged '72-281
SAINT CLAIR TOWNSHIP—Hunting deer with dogs prohibited '58-131
School loan authorized '68-743
SCHOOLS—Dog tax appropriated to '73-655, '78-67
SEWICKLEY TOWNSHIP—Election of officers '35-56
Additional school tax '47-424
School loan Act of April 9, '67, repealed '70-867
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Westmoreland County—*Continued.*
SHEEP—Protection of '67-691, '68-403, '78-67, see '01-56
To improve the breed of Ch. 4138, '61-204
SOMERSET TOWNSHIP—Boundary surveyed Ch. 1980, '65-755
SOUTH HUNTINGDON TOWNSHIP—
Polling place fixed '44-79, '52-239, 277
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SULPHUR SPRINGS SCHOOL DISTRICT erected '52-277
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Duties of '39-2
SWAMPS—Drainage of '68-438
SWINE Act of March 27, 1784, repealed Ch. 62, 496
TAX COLLECTORS—Appointment of '60-166
TAXES—See Assessments—Road Tax.
TOWNSHIP AUDITORS—Pay fixed '69-663
TOWNSHIPS to repair bridges '53-483, '72-1011
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UNION SCHOOL DISTRICT—Polling place fixed '42-326
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WASHINGTON TOWNSHIP—Cash road tax '58-261
WEST PINE GROVE Independent School District—
Polling place fixed '72-1010
WESTMORELAND County Agricultural Society exempted from taxation '68-716
WET LANDS—Drainage of '68-438
YOUGHIOGHENY SCHOOL DISTRICT authorized to subscribe for Pennsylvania Railroad Stock '53-134

WYOMING COUNTY.

Organized from part of Luzerne County, April 4, 1842, P. L. 222.

ABBINGTON TOWNSHIP—
Attached to Nicholson election district '42-335
ASSESSMENT and collection of taxes '43-21, 72, '57-416, '70-127
ASSESSORS' pay fixed '66-667
Not required to attend elections '44-220
BRAINTRIM Independent School District erected '69-233
BRAINTRIM TOWNSHIP—Part of Lenox Road Law extended to '51-384
BRIDGE VIEWERS—Appointment of '64-69
BRIDGES Act of April 13, '43, repealed '44-86, '91-171
Certain, to be rebuilt by County Commissioners '46-239
CLINTON TOWNSHIP—Separate election district '44-243
Part of Lenox Road Law extended to '51-384
Polling place fixed '52-421
Bounty tax '66-725, '67-773
DOGS—Taxation of '65-128, 330, '66-341, '73-454
EATON TOWNSHIP—Collection of school tax '62-30
Part of Lenox Road Law extended to '51-384
Cattle, etc., prohibited from running at large '73-651
John Lee's land Act of April 4, '64, repealed, '71-461
Keelersburg School District erected '61-647
ELECTIONS—Pay of officers of. See Independent District.
Assessors '44-79, '45-122, '73-651, see '01-398
Holding of '51-384, '52-420, '68-729, '72-522
Act March 30, '66, repealed, '83-13
EXETER TOWNSHIP—Separate election district '42-335
Part of Lenox Road Law extended to '51-384
Cattle, etc., running at large to be treated as strays '72-811
FALLS TOWNSHIP—Lenox Road Law '51-384
FORKSTONE TOWNSHIP—Part of Lenox Road Law extended to '51-384
Polling place fixed '51-40
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INDEPENDENT SCHOOL DISTRICTS—
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Wyoming County—*Continued.*

LEMON TOWNSHIP—Polling place fixed '50-69
Part of Lenox Road Law extended to '51-384
Protection of fish in Brown's pond '70-169
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MEHOOPANY TOWNSHIP—Part of Lenox Road Law extended to '51-384
Polling place fixed '53-10
Bounty tax authorized '69-608, '71-317
Soldiers' property exempted from bounty tax '70-127
MESHOPPEN TOWNSHIP—Polling place fixed '54-194
Bounty tax authorized '63-87
MONROE TOWNSHIP—Part of Lenox Road Law extended to '51-384
Election of Supervisors '45-357
Poor tax on unseated lands '73-263
NICHOLSON TOWNSHIP—Part of Lenox Road Law extended to '51-384
School loan authorized '70-911
First Independent School District, additional tax '70-911
Boundaries of No. 2 Independent School District enlarged '68-265
NORTHMORELAND TOWNSHIP—Lenox Road Law extended to '51-334
Keelersburg School District erected '61-647
School tax '62-30
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Cattle, etc., prohibited from running at large '73-651
OVERFIELD TOWNSHIP—
Protection of fish in Breeche's Pond '67-890, '70-171
OVERSEERS OF POOR—Pay fixed '71-1096
POOR MASTERS—Pay fixed '66-667
ROAD COMMISSIONERS—Pay fixed '67-456
Act of April 13, '43, repealed '44-86
ROADS—See Supervisors.
Acts of March 4, '50 and April 8, '51, repealed '54-179
Construction and repairs of '44-86, '46-231, '91-171
SHEEP—Dog tax for the preservation of '65-128, 330, '73-454
Acts of April 8, '62, and February 10, '65, repealed '66-341
SOUTH EATON TOWNSHIP—
Cattle, etc., prohibited from running at large '73-651
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